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Coming Next Month

MAINLAND CHINA, 1974

In September, 1974, we shall focus once again on the People's Republic of China, discussing China's economy, politics, society, population and foreign and military policies. Articles include:

China and the Superpowers

by O. EDMUND CLUBB, Foreign Service Officer (Retired)

The Chinese Military

by PARRIS CHANG, The Pennsylvania State University

China and the Third World

by PETER VAN NESS, Smithsonian Institute

Chinese Society

by C. Y. CHENG, Ball State University

Chinese Politics

by FRANZ MICHAEL, The George Washington University

The Population of China

by KUAN-I CHEN, State University of New York

A Traveler's Report

by JAN S. PRYBYLA, The Pennsylvania State University

Current History

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In this last issue in our symposium on political reform, eight articles analyze current proposals for reform and evaluate the problems inherent in the American political system. In the words of our introductory article: "Politics is frequently referred to as the art of the possible. But significant political reform is often the art of the improbable."

Reflections on Political Reform

By Wilbur J. Cohen
Dean, School of Education, The University of Michigan

When Charles V, writing from Flanders prior to his arrival in Spain in the sixteenth century, suggested to Cardinal Cisneros, the Regent, that reforms in the Spanish Inquisition might be advisable, the aged Cardinal replied: "The Inquisition is so perfect that there will never be any need for reform and it would be sinful to introduce changes."[1]

Cardinal Cisneros was advancing the traditional and extremist opposition to political reform which, with various modifications, has been the "conventional wisdom" of resistance to political reform over the centuries. In its basic form, the Cisneros doctrine is both a rationalization and defense of the status quo and an encouragement to revolution. It offers no real possibility for the consideration of change or reform. Thus, it poses questions which have perennially plagued philosophers, politicians, and reformers: Is a radical overhaul of major institutions through revolution the only way to achieve basic political reform? Does partial incremental political reform only postpone or prevent more basic political reform? What are the alternatives when specific political reforms are opposed, defeated, postponed? Why do individuals reject or accept change?

Major political reforms have occurred when there are major economic and/or military revolutions: the United States in 1776; France in 1793 and 1945; China in 1949. The Articles of Confederation and the United States Constitution developed out of revolutionary conditions. The far-reaching Fourteenth Amendment to the Constitution evolved from the military victory of the North in the Civil War. But the first ten amendments to the Constitution—the great Bill of Rights—emerged from a political conflict with respect to the rights of the individual and the requirements of the state. In fact, much great political reform results from redefining the rights of the individual in relation to government.

Political reform which is short of revolution is a continuous process. It occurs, reoccurs, persists and reappears in democracies or dictatorships, in capitalist or Communist economies, in Republican or Democratic administrations, and in federal, state or local governmental processes, in voluntary associations, business, labor and nonprofit organizations. It is an omnipresent factor in human society.

Political reform is as old as society itself. Probably as soon as three or more persons associated together they found a need to modify responsibilities, from time to time, in carrying out their activities. Political relationships, political organizations, and political reform are an out-growth of the variety, complexity, and changing nature of human relationships in a changing environment. As soon as institutional structures were formed to carry out economic, familial, cultural, or sexual needs, the roles of the participants required periodic redetermination. As individuals react to these changing roles, political reform is advocated, supported, and opposed to effectuate changes in roles, power, or processes.

While it is customary to think of political reform as a strictly political phenomenon, it is more likely that most current political reform grows out of economic conflicts, pressures, needs, and abuses. The establish-

[1] Quoted in James A. Michener, *Iberia* (New York: Random House, 1968), p. 147.

ment of the Federal Reserve System and the enactment of the federal income tax and the Sherman and Clayton anti-trust laws are illustrations of political reforms necessitated by economic forces. Economic power and political power have been intertwined in American history from its very beginning. Some individuals and groups use economic power to obtain political power. Some individuals use political power to obtain financial gain. As evidence of these uses becomes perceived as undesirable, the effort to correct the abuses becomes a movement for political reform.

Politics and political reform have produced some of the most unusual and controversial leaders in history, among them Moses, Alexander, Caesar, Joan of Arc, Napoleon, Bismarck, Abraham Lincoln, Disraeli, Lenin, Mao, Ben-Gurion, Pope John the twenty-third, Franklin D. Roosevelt, Winston Churchill, Khrushchev, Nasser, Sadat, and many others. Demands for reform were reflected in the influential writings of Plato, Aristotle, Machiavelli, Mohammed, Voltaire, Rousseau, Jefferson, De Tocqueville, Lord Bryce, Marx, Lord Acton, Charles and Mary Beard, Lincoln Steffens, and Woodrow Wilson. The very list of these diverse men and women indicates the difficulty of defining and diagnosing political power and political reform outside the totality of economic and political institutions in a particular culture and period.

But although political reform is difficult to define in universal terms, it can be explained as a political change from what exists at a given moment. It may be good or bad; significant or inconsequential. It may be short range or long range. It may be statutory, constitutional, judicial; it may involve a change of key personnel. Revisions in processes, powers, or privileges may be demanded. One man's political reform may be viewed by another as political interference or political disaster.

Some political reforms do not fulfill the expectations of the sponsors. A most notable example is the Volstead constitutional amendment (the Eighteenth Amendment) of the World War I era, which prohibited the sale of intoxicating liquor, and which was subsequently repealed in a 1933 amendment. It is also not always possible to comprehend in the short run what the longer-run results of a political reform are likely to be. The full impact of the Fourteenth Amendment is still unclear. Certainly, the sponsors of the amendment in the Civil War aftermath could not have foreseen that the Supreme Court would apply it to aid the development of the modern business corporation at the beginning of the twentieth century and to protect welfare recipients and minorities in the 1970's.

Some political reforms, although defeated by opponents, still exercise an influence on American politics. In 1937, President Franklin D. Roosevelt, in a post-election burst of overconfidence, suddenly sprung his Supreme Court "packing-plan" on a startled Congress and electorate. The opposition to the proposal was widespread, hard-hitting, and successful. Nonetheless, although almost all the President's customary supporters deserted him because of his direct attack on a fundamental institution of the Republic, the Court "received the message." It began to uphold the constitutionality of major New Deal measures such as the National Labor Relations Act and the Social Security Act. Roosevelt's battle over the Court was lost; the war was won. The economic forces growing out of the depression of 1929–1933 produced one of the most far-reaching political reforms in our history without a revolution of bloodshed, a Civil War, or a military crisis.

Politics is frequently referred to as the art of the possible. But significant political reform is often the art of the improbable. In many instances, political reform appeared doomed from the beginning because of monumental opposition. The British Reform Bill of 1867, which finally gave the vote to the working class of the towns of England, is a historic case. Lord Cranborne, one of the opponents of the 1867 law, voiced the traditional evaluation of democratic attempts to broaden voting rights.

> You practically banish all honorable men from the political area and you will find in the long run that the time will come when your statesmen will become nothing but political adventurers, and politicians of opinion will be looked upon only as so many political maneuverers for the purposes of obtaining office.[2]

A notable instance in recent American history was the passage of the Medicare law in 1965 after some 55 years of agitation for health insurance and some 13 years of support for medical insurance coverage for the aged.[3] Yet once the Medicare legislation was enacted, the pressure for national health insurance was accelerated.

The Watergate episode will certainly bring a number of political reforms into being. Limitations on campaign contributions and expenditures will be the most likely federal legislative action. But such action deals with only a small aspect of the abuses uncovered by the Watergate experience. Abuses at the state and local level are probably more extensive than those at the national level.

Over the past 40 years, the presidency and the executive branch of the federal government have steadily accumulated power, and the power of Congress has

[2] Quoted by Asa Briggs in "Benjamin Disraeli and the Leap in the Dark," *Victorian People* (Baltimore: Penguin Books, 1965), p. 299.

[3] See Richard Harris, *A Sacred Trust* (New York: New American Library, 1966), for a most interesting play-by-play account of how political forces were mobilized in the Medicare controversy.

not been fully or promptly utilized. At the same time, economic power in the private sector has increased, while state and local governments have failed to respond to the growing needs of an urban, industrial, mobile economy.

John Gardner, the chairman of Common Cause, a citizen's group dedicated to trying to achieve political reform in many areas of American life, has recommended that the basic political change must be to hold the powerful accountable:

> We have heard demands for a seemingly simple remedy: weaken the Presidency, strengthen Congress. But ours is a huge and complex society in a swiftly changing world: we can never again have a weak Presidency or Executive Branch. And Congress, in its nature, cannot play the leadership role alone.
>
> Our only recourse is to accept the necessity for a strong Presidency and Executive Branch and at the same time to create powerful instruments for calling them to account. Most of the needed instruments now exist but require strengthening. It is not just a matter of holding government accountable. Government must help us to hold accountable the great power centers of the private sector.[4]

The most far-reaching political reform that has been suggested is some method by which the President's term of office can be terminated by some special action of Congress other than his conviction on impeachment. The proposal is an attempt to combine the essential feature of parliamentary government with our separation-of-powers approach. This effort to curb the power of the President deals with some but not all of the major abuses that have or may occur. Financial disclosure of income and assets of political candidates and elected officials; a single term for the presidency of four, five, or six years; prohibiting a President from selecting more than four members of the Supreme Court; requiring the President to appear before a congressional committee not more than twice a year; recall of the President and Vice President by petition; national referenda on national issues; a four-year term for the director of the Federal Bureau of Investigation; payment of damages to individuals whose rights are invaded by improper or unlawful federal action; and holding elections on Sunday so more people can vote—these are some additional political reforms worth further consideration.

It seems likely that whatever political reforms come out of the Watergate episode in American history, they will not satisfy the political philosophers or social reformers of the future. Yet in the next few years the pressure for political reforms will result in some changes that may have implications for the redistribution of political power as important as the changes that occurred in 1789, 1865, 1933, and 1968.

Trust and confidence in the political institutions of the United States rest on many factors outside constitutional guarantees and statutory limitations on undesirable political activities. Political parties are not mentioned in the Constitution nor are the Cabinet, the White House staff, or lobbying groups. Essential to clean politics are an independent and fearless judiciary, a free press (guaranteed the right not to disclose sources of information), and the due process and equal protection of the laws—all safeguarded by specific constitutional guarantees. The congressional power to declare war and the power to levy taxes and make restricted appropriations are and should be used as more effective restrictions on the power of the Executive; for example, there should be congressional limitations on expenditures for the White House staff.

Academic freedom (including tenure in the educational system) is a necessary and essential element in maintaining some semblance of clean politics and potential political reform. But no political system and no political reform can assure fair, just, clean politics without the courageous, outspoken citizen or leader who is willing to speak out irrespective of personal cost or consequences. John F. Kennedy's book, *Profiles in Courage,* evidences a persistent quality in American political life that should be encouraged and admired. There is no substitute for the character of an Attorney General who resigns his office when the President of the United States demands an action contrary to his conscience and commitment.

Some recent political reforms have not yet been fully effective as instruments of further political reform. The growing interest in equal rights for women, zero population growth, control over the environment, energy limitations, and national growth all indicate popular interest in a more just society, one that is more sensitive and compassionate to human needs and in which a community of interests guides public policy. As life expectancy for women increases, the amendment to the Constitution giving women the right to vote probably will become more significant.[5] With the recently adopted Twenty-Sixth Amendment permitting individuals eighteen years of age to vote,[6] and laws assuring that minorities can vote, we may be entering upon a period of more rapid or more significant political reform. The Watergate episode may be only one of many factors in the long-run process of political reform.

Wilbur J. Cohen was Secretary of Health, Education, and Welfare in 1968–69. During the 30 years he spent in Washington, he was responsible for piloting over 100 bills through the political machinery of the executive and legislative branches in an effort to achieve political reform through the legislative process.

[4] "Rebirth of a Nation," a statement issued by Common Cause, 1974.

[5] See *Current History,* June, 1974, p. 276, for the text of this amendment.

[6] *Ibid.,* p. 277.

"Intensely ideological politics, the revolution in the mass media, the proliferation of party primaries, the increasing sophistication of polling, the accelerating costs of campaigning—these and other factors have considerably altered the presidential nominating process in recent years."

Choosing the Presidential Candidates

By Sidney Wise
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The debate surrounding the national nominating convention as a technique for selecting our presidential candidates is as old as the convention system itself. Established in 1832 as a reaction to criticisms of the method of choosing the nominees by the congressional caucuses of party leaders, the conventions have themselves been the subject of criticism and even ridicule.

The charges are familiar: the conventions are too large to conduct their business efficiently; they are boss-ridden and the key decisions are made in the omnipresent smoke-filled rooms; the bombastic rhetoric and the phony demonstrations are raucous bores. There is also the insistence that, when a presidential candidate is finally chosen, he invariably selects a running mate on the basis of criteria that have little to do with competence, and then the candidates run on a platform that is vague enough to satisfy dozens of pressure groups but lacks the specificity to constitute genuine commitments.

The conventions have not been without their partisans as well. While conceding many faults, defenders point out that the primary objective of the convention is to select a presidential candidate who could be an effective chief executive and that, by and large, the United States has done at least as well as the other democracies. They also remind us that our political parties are loose confederations of state parties with enormous diversities and that the conventions are important devices for forging enough unity to fuel a campaign. The very bargaining that opponents of the conventions lament is perceived by defenders as a major strength. If the conventions are indeed raucous social gatherings where the delegates greet each other with the zeal of fraternity members while the political leaders are busily making deals, the defenders have found justifications for the hoopla as well as the purported elitism.

They argue that for many of the delegates, presence at the convention is itself a reward for services rendered to the party over a long period of time and that several days of cheering are an indispensable catalyst for an enthusiastic campaign. And they further argue that if the essential compromises are negotiated by a relatively small number of leaders, they are nevertheless motivated by the urgency of finding "the best man," i.e., the candidate with the greatest chance of winning in November.

Defenders are less likely to be concerned with the defects of the vice-presidential selection system, insisting that the primary function of the nominee is to strengthen the possibility of a unified party and a November victory. As for the platforms, many politicians (and scholars) have noted that an extraordinary number of planks have become statutes, even if this does not happen overnight.

At the core of the debate is a basic failure of communication on fundamental questions. Essentially, critics of the convention are measuring the institution against the yardstick of democracy. Their most urgent concern is that techniques must be found that will allow millions of members of political parties to express their wishes so that the majority can triumph. The defenders are more likely to opt for efficiency. They emphasize the role of party leadership as an effective method for achieving whatever degree of orderliness can be constructed out of a party system that is terribly fragmented.

Yet as we look back over recent political history it is easy to suggest that a considerable portion of the old debate is simply obsolete. In the Democratic party, we must go back to 1952 to find a convention that needed more than one ballot to nominate a presidential candidate—Adlai E. Stevenson won on the third ballot. For the Republicans, 1948 was the last time when more than one ballot was required to nominate—Thomas E. Dewey won on the third ballot. In a sense, even though several conventions in the past 26 years have seen considerable acrimony and, in the case of the Democrats in 1968, even considerable violence, the fact is that when it has come down to the most important item on the agenda, the conventions

seem to be ratifying a choice that has been made outside the halls.

THE PRESIDENTIAL PRIMARY

Certainly one of the most important reasons for the decreasing significance of the convention has been the increasing importance of the presidential primaries.[1] Oregon is usually credited with the enactment of the first presidential preference primary law, in 1910. By 1916, similar laws were passed in 26 states. However, there was such a variety of primaries that for many years they played little or no role. Candidates could enter some primaries and ignore others; delegates could be bound on occasion but often could interpret the results as advisory. Indeed, by 1935, eight states had abandoned their presidential primaries.[2]

However, when Harold Stassen lost to Thomas E. Dewey in the Oregon presidential primary in 1948 and when Dwight D. Eisenhower established his political appeal with a spectacular write-in showing in the New Hampshire primary of 1952, presidential primaries became a much more dynamic force in the system. They became the signals that political leaders had to hear. John F. Kennedy's victory over Hubert H. Humphrey in the West Virginia primary in 1960 demonstrated to the Democratic leadership that Kennedy could do extremely well even in a state that was almost 95 percent Protestant.

Thus, the psychological impact of even a single result became very important. A candidate could be knocked out of the race or he could present himself to the convention as the man who had already proven his popularity with the rank and file members of the party. If the primary victories were dramatic enough, or could be described as such, a convention that denied the prize to the front runner might be in the awkward position of thwarting the expressed desires of its constituents. Thus, by 1960, the nominating process had become a curious mix. Technically, the overwhelming majority of delegates were still being chosen at state and district conventions. There were still many favorite-son candidates, euphemisms for governors who were heading state delegations anxious to increase their bargaining power. And some conventions were still opening with no candidate in total command. Yet one can suggest that the primaries had shifted the burden of proof. The question became: how could the convention say no to a candidate who had become a household word?

Thus the old debate about the significance of nominating conventions simply seems to have evaporated without the debaters being fully aware of its disappearance. Certainly since 1960, presidential candidates who have wanted to be taken seriously have built strong personal organizations, have employed the strategy of the primaries wherever advantageous, and have marched to the convention to await ratification of decisions made in New Hampshire, Oregon, and Massachusetts. Even the governors have found the trend difficult to arrest; holding onto unpledged delegates is a most difficult strategy when delegates are extremely anxious to get behind a winner.

Exacerbating these trends has been the special role of television.[3] We will note the extraordinary significance of television in the 1972 campaign, yet certain generalizations are essential at this point. For example, it could be asserted that television has amplified the role of the primaries by surrounding each winner (or loser) with far more drama than headlines would provide. The raised hand, the cheering partisans and the cries of "on to Miami" or "on to Chicago" can easily obscure the fact that the winner faced only token opposition in a particular primary. The enormous technology of television, the elaborate collection of predictor precincts, the early projections of winners, and the intense competition of the networks for vivid coverage have all given the primaries a dramatic context far more intense than the architects of those primaries anticipated.

Television also has the ability to convert a relatively unknown politician into a nationwide celebrity in a very short time. The candidate who found it necessary to consume hundreds of chicken dinners and cover thousands of miles over a period of several years can now achieve the status of a presidential contender by the skillful deployment of a medium that can enter virtually every home in the country.

In 1968, 16 states (and the District of Columbia) held presidential primaries. By 1972, the number had grown to 22. In 1968, only 42 percent of the Democratic delegates were selected through primaries; in 1972 the figure was 63 percent.

But something else had happened. The violence of the 1968 Democratic convention triggered changes in

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[1] The classic early study of the presidential primaries is Louise Overacker, *The Presidential Primary* (New York: Macmillan, 1926). The best modern work is James W. Davis, *Presidential Primaries: Road to the White House* (New York: Thomas Y. Crowell, 1967). The standard work on the conventions is Paul T. David, Ralph M. Goldman and Richard C. Bain, *The Politics of National Party Conventions* (Washington, D.C.: The Brookings Institution, 1960). See also Richard C. Bain, *Convention Decisions and Voting Records* (Washington, D.C.: The Brookings Institution, 1960) and Nelson W. Polsby and Aaron Wildavsky, *Presidential Elections,* 3d ed. (New York: Charles Scribner's Sons, 1971).

[2] Davis, *op. cit.,* pp. 28–30. For a summary of the various state laws, see *Nomination and Election of the President and Vice President of the United States Including the Manner of Selecting Delegates to National Political Conventions* (Washington, D.C.: Government Printing Office, 1972). A supplement was published in May, 1972.

[3] Approximately 70 of the 107 million U.S. adults watched or listened to the first Kennedy-Nixon debate in 1960. See Elihu Katz and Jacob J. Feldman, "The Kennedy-Nixon Debates: A Survey of Surveys" in William J. Crotty, *Public Opinion and Politics* (New York: Holt, Rinehart and Winston, 1970), p. 411.

the convention system itself. Both parties undertook the challenge of reforming their procedures, but the process was of course far more traumatic for the more heterogeneous Democrats. An analysis of the presidential nominating process at this time requires an understanding of what changes took place in the rules of the game in 1972, the sufficiency of those changes in the light of the general election and the prospects for additional rule shifts.

II

For the Republicans, the problems of convention procedures and the delegate selection process have not been especially contentious. It may well be that the passion for changes in the rules always accompanies those who believe that their goals will not be achieved unless the ground rules are modified. Because Richard M. Nixon had completely dominated the 1968 primaries, had won an easy first ballot victory at the convention, and had won the election, the 1972 Republican convention became a ceremonial event with only minimal Republican sentiment for reform. The convention seemed to satisfy the demands of most Republicans. In a very low-key manner, the 1968 convention established a delegates and organizations committee to make recommendations on the delegate selection process. The committee's mandate was narrow; it sought to alter the sociological composition of the convention without necessarily challenging the methods of choosing delegates.[4]

The convention adopted without dissent a recommendation that the national committee and the Republican state committee of each state "take positive action to achieve the broadest possible participation by women, young people, minority and heritage groups and senior citizens in the delegate selection process."[5] The convention also voted to eliminate excessive fees as a condition for serving as a delegate, proxy voting in the delegate selection process, and the proposition that party officials could become delegates automatically. The national committee and the convention rejected any language that could be interpreted to mean quotas. As the minority party, the Republicans were interested in broadening their appeal but not at the price of rigid formulae.

For the Democrats, the chaos of the 1968 convention impelled a much more profound exercise in self-analysis. The convention created a commission on party structure and delegate selection, headed first by Senator George McGovern and subsequently by Representative Donald M. Fraser. The commission's report was an exhaustive critique of how the delegates had been selected, plus 18 guidelines for the future.[6]

The commission insisted, for example, that in at least 20 states there were no adequate rules for selecting delegates; enormous discretion was left to party leaders. Further, more than one-third of the delegates to the 1968 convention had been chosen prior to 1968, prior, that is, to the time when the major issues or candidates were known. Many delegates were restrained from voting for their presidential preferences because of the use of the unit rule or favorite-son candidacies. Secret caucuses, closed meetings where slates of delegates were drawn up, and widespread proxy voting were common at precinct, county, district, and state conventions. The costs of participating in the delegate selection process were often discriminatory; and the representation of blacks, women, and youth at the convention was substantially below the proportion of each group in the population.

Rules established for the 1972 Democratic national convention outlawed the unit rule, proxy voting, and *ex officio* delegates. Other new rules required readily available party rules in each state, a provision that state parties adopt rules setting quorums at not less than 40 percent, that all party meetings be publicized, and, perhaps most significant of all, the requirement that state parties "overcome the effects of past discrimination by affirmative steps to encourage minority group participation, including representation of minority groups in the national convention delegation in reasonable relationship to the group's presence in the population of the State."[7] It should be noted that on the very page that lists this rule, there is a footnote that states that it is the understanding of the commission that this objective was not to be accomplished "by the mandatory imposition of quotas."[8]

Perhaps if the 1972 election had been close, the McGovern-Fraser guidelines might have become part of a new way of doing political business. Time, after all, is a most cementing force. But the enormity of the Nixon victory in 1972 (49 states, 62 percent of the popular vote) unleashed new frustrations among Democrats. Just as there were Democrats who believed that the rules that were in effect in 1968 locked up the convention for Hubert H. Humphrey, so there were Democrats in 1972 who charged that the rules had been rigged in George McGovern's favor.

As we look at the 1972 process employed by the Democrats, what major issues transcend the candidacies of particular individuals? If the 1968 convention rules were regarded as pro-Establishment and the 1972 guidelines were viewed as pro-Insurgent, what lessons can be derived from the enormous swing of the political pendulum?

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[4] Judith H. Parris, *The Convention Problem* (Washington, D.C.: The Brookings Institution, 1972), p. 73.

[5] *Congressional Quarterly Weekly Report,* August 26, 1972, p. 2120.

[6] *Mandate for Reform,* A Report of the Commission on Party Structure and Delegate Selection to the Democratic National Committee (Washington, D.C.: Democratic National Committee, 1970).

[7] *Ibid.,* pp. 10–11.

[8] *Ibid.,* p. 40.

III

Regardless of the footnote which was intended to deny the imposition of a quota system, the 1972 Democratic guideline did in fact embrace quotas. The intent of affirmative action on behalf of minorities soon became a requirement that rigid numbers be presented as hard evidence that the intent was honest. Indeed, a memorandum endorsed by Democratic national chairman Lawrence O'Brien asserted that

> . . . whenever the proportion of women, minorities, and young people is less than the proportion of these groups in the total population and the delegation is challenged . . . such a challenge will constitute a *prima facie* showing of violation of the guidelines. . . .[9]

The shift from an anti-discrimination posture to one which insisted on arithmetic proof vastly increased the representation of the affected groups; but it also had other consequences. If youth, why not senior citizens? If women, why not Italians or Czechs or Jews or labor leaders? If blacks, why not Chicanos or Puerto Ricans? While television cameras were panning a convention floor that seemed to be a microcosm of the nation in terms of three criteria, considerable hostility was rising among those who believed that the new criteria had turned them into second-class Democrats.

Furthermore, the quotas often forced the slate makers and state committees into extremely awkward situations. For example, the guidelines forbade state committees from selecting more than 10 percent of the delegates and alternates. In order to meet the quotas, Democrats who had long been active in party affairs often had to be bumped and searches had to be initiated for the requisite number of women, youth, or blacks. This stratagem was hardly designed to maintain the energies or the enthusiasm of the traditional activists. The quota system posed a special problem for the McGovern candidacy. Insofar as that candidacy was so closely associated with groups that were the beneficiaries of the quotas, the very strategy that would be successful in gathering delegates for the convention would also have the result of jeopardizing votes in November.

Finally, the concept of quotas rekindled ancient debates about the nature of representation. Who is to say that the interests of women or youth or blacks are so homogeneous that they can only be represented by women or youth or blacks? Should not the delegate selection process concern itself more vigorously with attitudes toward policy questions and their relationship to candidacies rather than with the sex, age, and racial mix of the convention?

Another guideline that exacerbated tensions dealt with the problem of drawing up a slate. According to the McGovern commission, it was illegal for a group of Democrats to unite for the purpose of submitting a slate of delegates and alternates to a primary election unless the slate was put together at an open meeting, even though alternate groups were equally free to assemble other slates. The problem reached its climax when the convention evicted 59 delegates from Cook County, Illinois (the so-called Mayor Daley slate), even though they had decisively defeated an alternate slate. Ironically, the slate that was seated was led by Jesse Jackson (not even a registered Democrat) and had also been drawn up at a closed meeting.[10] While the Jackson delegation met the goals of the quota system, one observer pointed out that there was something drastically unrepresentative about a Chicago Democratic delegation that included only one Italian and only three Poles.[11]

The momentary exhilaration of the convention, particularly of the McGovern forces, was soon to give way to the realization that the action turned off thousands of regulars all over the country. Indeed, the rule that slates must be drawn up in the open could be regarded as a signal for the opponents of a candidate to pack the meeting which made the recommendations. All in all, this guideline, particularly as it applied in the Cook County case, appeared to be more of an exercise in ideology than practical politics.

There is of course the argument that McGovern arrived at the convention with a near majority of the necessary delegate votes, which were won at state conventions and primaries, and that new guidelines were only marginally important. If this was the case, then the combination of multiple primaries and state conventions must be analyzed as a special problem, especially when we confront multi-candidate situations.

In order to do this, let us assume a hypothetical five-candidate race for a presidential nomination. Assume also that one candidate is on the political left (liberal), that another is on the political right (conservative), and that the other three candidates are moderates. Assume further that the liberal and conservative candidates share in equal measure approximately 40 percent in a poll of the party's votes, while the bulk of those voters favor the three moderates. Under these plausible circumstances it is possible to suggest that the mainstream, centrist sentiments of the party's voters will not prevail. Not only is the moderate vote split three ways, but the rhythm of politics is such that the most liberal and the most conservative candidate will generate the enthusiasm and turnout that will exaggerate their actual hold on party votes and public opinion.

[9] Penn Kemble and Josh Muravchik, "The New Politics and the Democrats," *Commentary*, December, 1972, p. 29.
[10] *Ibid.*, p. 82.
[11] Theodore H. White, *The Making of the President, 1972* (New York: Atheneum Publishers, 1973), pp. 174–5. For an analysis of the impact of the new rules on the California delegation, see William Cavala, "Changing the Rules Changes the Game," *American Political Science Review*, March, 1974, pp. 27–42.

Turning to actual events, the Harris Survey found that Democratic voters in March, 1972, favored the presidential candidates as follows: Hubert Humphrey (31 percent); Edmund Muskie (23 percent); George McGovern (6 percent); George Wallace (15 percent).[12] Yet the vagaries of the primaries, their timing, the variety of ground rules and the existence of local situations brought extraordinary results. For example, the issue of school busing came to dominate the Florida primary of March 14; when the dust settled Wallace had 41.6 percent of the vote, more than the combined votes of Humphey, Muskie, and McGovern. On April 25, there were primaries in Massachusetts and Pennsylvania. Muskie had committed himself to both primaries, but Humphrey decided to ignore Massachusetts, and McGovern played Pennsylvania low key. McGovern swept Massachusetts; Humphrey won in Pennsylvania; and, when the day ended, Muskie had been twice the loser.

In the Wisconsin primary, McGovern received 30 percent of the vote, Wallace received 22 percent, and the combined Humphrey-Muskie vote was 31 percent. But the Wisconsin law allowed Republicans to vote in the Democratic primary, so that analysis became a fruitless exercise. In the Rhode Island primary, McGovern received 41 percent of the vote; the combined Muskie-Humphrey vote was 40.8 percent; but the total turnout was only about 15 percent. McGovern won all 22 of the delegates. At the end of the primary season, McGovern had received 4.05 million votes, Wallace (despite the assassination attempt) had received 3.8 million votes, and the combined Humphrey-Muskie vote came to 5.9 million votes. Put another way, McGovern won a first ballot victory mainly because of the primaries, but he received about 25 percent of the total number of votes cast in all the primaries.[13] If the nominating process is viewed as a strategy for ascertaining which candidate will enjoy the broadest base of support within his party, then the events and rules of 1972 pose as many questions as they answer.

The special role of television in a multi-candidate situation also deserves mention. While many politicians and commentators have spoken and written about the alleged bias of network coverage of campaigns, our concern is not with this charge, but with a far more subtle problem. A successful television program—and network news shows are programs—must maintain an aura of drama; it is indeed the nature of the medium. A cut-and-dried exposition of data and issues is not nearly so dramatic as a description of exciting events and exciting personalities. Furthermore, audience interest is sustained by the development of certain interpretive themes.

In the 1972 primaries, for example, the networks developed a daily drama revolving around such questions as: Can McGovern continue the momentum of New Hampshire? Will Muskie continue to slip? Can Humphrey broaden his constituency beyond the labor movement and traditional Democratic leaders? As one analyst has put it, ". . . by reporting trends, television tends to magnify those trends."[14] The primaries tend to become a horse race: each candidate is moving up or back; some candidates are simply ignored as "minor candidates." Television also produces a style of coverage which tends to denigrate the issues. Obviously, the thematic approach is most likely to penalize a front runner. The more primaries, the more candidates, the more drama there is in the daily wondering whether the lead is slipping. And if the lead does slip, the reiteration of that event can make it slip even further. Again, the issue is not malevolence or news twisting; the problem is the nature of television, compounded by the increasing importance of presidential primaries.

IV

Reform and change are continuing phenomena even in the political world. What lessons, if any, were learned in 1972, and to what extent will there be additional changes in the nominating process?

As the number of presidential primaries has increased there has been considerable talk, though little legislative action, about a national primary. The idea most frequently mentioned is the constitutional amendment proposed on March 13, 1972, by Senators Mike Mansfield (D., Mont.) and George D. Aiken (R., Vt.). Under this proposal, the primary would be held throughout the nation on the same day; candidates would have to file petitions in 17 states with

[12] *Congressional Quarterly Weekly Report,* March 25, 1972, p. 657.

[13] *Congressional Quarterly Almanac,* 1972, p. 1059. For an illustration of how a candidate with a minority of popular support within his party could win the nomination at a time when most of the delegates were chosen in non-primary states, see John H. Kessel, *The Goldwater Coalition* (New York: The Bobbs-Merrill Co., 1968), esp. pp. 69–71. For a discussion of the simliarities and differences between the Goldwater strategy and the McGovern strategy, see Dennis G. Sullivan, *et al, The Politics of Representation* (New York: St. Martin's Press, 1974), pp. 19–22.

[14] Marc F. Plattner, "The Networks' View of the Campaign: A Critical Assessment," in *Report on Network News Treatment of the 1972 Democratic Presidential Candidates* (Bloomington, Indiana: The Alternative Education Foundation, Inc., 1972), p. 157. See also Paul H. Weaver, "Is Television News Biased?" *The Public Interest,* Winter, 1972, pp. 57–74. In assessing the media analyses of the Democratic primary in New Hampshire in 1972, Dan D. Nimmo points out that, "When McGovern received 38 percent of the vote (to 48 percent for Muskie), many newsmen reported McGovern's 'moral victory' as an 'upset' of sorts, and the emergence of McGovern as a viable candidate. . . . By creating unrealistic expectations of a candidate's strengths in a virtual 10-man primary, the media provided a background for interpreting victory as defeat and vice versa." *Popular Images of Politics* (Englewood Cliffs, N.J.: Prentice-Hall, 1974), p. 50.

signatures in each state equal to 1 percent of the vote cast in that state in the previous presidential election; and voters could participate only in the primary of their party.[15] If no candidate received 40 percent of the vote, there would be a runoff between the two leaders. The vice presidential candidates would be selected by the conventions.

The plan's appeal undoubtedly stems from its apparent simplicity and the fact that it would appear to remove presidential nominations from the smoke-filled room once and for all. Yet this idea becomes more complex upon closer examination. If we again assume our hypothetical multi-candidate situation with the most liberal and the most conservative candidates generating the greatest enthusiasm and the largest vote totals, it is likely that a runoff election could take place between the very candidates who are unacceptable to a clear majority of the party's voters. Even the possibility that in such a situation a convention might select a candidate who was at least acceptable to most of the party would be eliminated.

The national primary would also be extremely expensive if only because it would place extraordinary reliance on television. With all the defects of the present arrangements, they at least allow a candidate to demonstrate his appeal in several primaries and thereby broaden his base of support and finance. The Mansfield-Aiken proposal also raises the real chance that a runoff would be especially bitter, if only because the most liberal and the most conservative candidates might face each other. It is possible that such a runoff could drain so many financial resources that the eventual winner might face insurmountable financial problems in the general election. If conventions have assisted in bringing diverse factions together in the past only because they all wanted a winner, the national primary would reduce that possibility. Certainly such a primary will not be seriously considered unless and until there is some legislation dealing with the public financing of such elections.

The dimensions of the Democratic defeat in 1972 and the persistence of the belief among many Democrats that the new guidelines contributed to the disaster have led to recent changes in the delegate selection process. Those changes were undoubtedly hastened when, in 1973, a group of centrist Democrats formed the Coalition for a Democratic Majority and published a detailed analysis of the 1972 guidelines.[16] While accepting many of the new rules for selecting delegates, the thrust of the report was extremely critical of the de facto quota system of the 1972 convention and the ways by which the rules had excluded the traditional supporters of the party. Indeed, the Democratic convention of 1972 had mandated that a new commission be established to review the new rules.

On March 1, 1974, the Democratic National Committee adopted new guidelines for the delegate selection process in 1976.[17] Those rules depart from their predecessors in the following major ways:

(1) Quotas are dead. In the delegate selection process and "in all party affairs," the national and state parties must have an affirmative action program that will encourage full participation of all Democrats with particular concern ". . . for minority groups, Native Americans, women and youth. . . ." The phrase "in all party affairs" is undefined and the discussions thus far suggest the possibility of future debates.

(2) Slate making. A group that wants to meet for the purpose of sponsoring a slate of delegates and alternates is no longer required to hold an open meeting where it could presumably be outvoted by its adversaries. This will prevent a recurrence of the eviction of the Daley slate in 1972. However, no slate can label itself the "official slate" nor can it receive a preferential place on the ballot.

(3) At-large delegates. In order to allow primary states to select more party officials and public officials as delegates, state parties will be allowed to select up to 25 percent of the delegates, provided that the party meets all of the other guidelines and that the delegates selected by the party ". . . reflect the division of preference of the publicly selected delegates. . . ." The figure in 1972 was 10 percent.

(4) Proportional representation. The winner-take-all primary is outlawed. In states where the delegates are chosen by conventions or district or precinct caucuses, delegates must be awarded to the candidates who receive at least 15 percent of the vote.

(5) Compliance. A 25-member compliance review commission has been established to review and enforce affirmative action plans and to serve as a credentials committee to hear delegate challenges.

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[15] *Congressional Quarterly Almanac*, 1972, *op. cit.*, pp. 661–2. For an analysis of similar proposals, see Gerald Pomper, *Nominating the President* (New York: W. W. Norton, 1966), pp. 218–222.

[16] *Toward Fairness and Unity for '76*, May, 1973.

[17] "Report of the Commission on Delegate Selection and Party Structure," mimeographed (Washington, D.C.: Democratic National Committee, March 1, 1974).

"There is no way to take politics out of the business of choosing candidates for public office. No guarantees can prevent a presidential candidate and a party convention from choosing a vice presidential candidate for purely political reasons, or prevent what may later prove to be a bad choice."

Changes in the Vice Presidency

By Hubert H. Humphrey
United States Senator, Minnesota

The vice presidency, long an ignored or belittled American political institution, has in recent years received more and more attention from political scientists, politicians and all the American people.

This new interest in the office derives in great part from the fact that, of the last seven Vice Presidents, three succeeded to or were elected to the presidency itself. Three others, including incumbent Vice President Gerald Ford, have been prominently mentioned as leading candidates for their parties' presidential nominations. I myself was privileged to carry the Democratic party's standard in 1968, in opposition to a former Vice President, who emerged victorious from that close and exciting contest.

A second reason the vice presidency is presently undergoing special examination is the widespread feeling in both major parties that perhaps the vice presidential selection process has been too hurried and has not received the attention from national convention delegates that the office deserves.

In the traditional vice presidential selection process, the presidential nominee announces a running mate almost at the last minute, sometimes to the dismay and surprise of the convention. Critics of this process point especially to 1972, when the Democratic party's vice presidential nominee resigned from the national ticket, and the Republican nominee, although elected, later resigned from the vice presidency when he was confronted with the prospect of impeachment or criminal indictment or both.

Because the vice presidency is apparently a springboard to the White House, increasing attention is being focused on the role played by Vice Presidents in our political system and on the processes by which nominees for Vice President are selected.

As Vice President and as a candidate for President concerned with selecting a vice presidential running mate, I have reached some general conclusions about both these questions.

The Constitution gives the Vice President only the responsibility for presiding over the Senate and casting votes in that body in the case of a tie, or succeeding to the presidency in case of a vacancy or disability in that office. Consequently, some critics argue that we really do not need a Vice President at all. They contend that the Senate could easily provide for a presiding officer and that Congress could just as easily define another line of succession to the presidency. They point out, correctly, that the Vice President has little further to do, unless the President assigns him additional duties and responsibilities.

While admitting that much of this is true, I nevertheless believe that two irresistible arguments support the necessity for the office of Vice President as it is now constituted.

The first is the unique role of the vice presidency in providing an orderly transfer of power during the potential political crises created by the death or disability of the President. It is important to note that all Vice Presidents except the present incumbent have been elected by all the people and have waged national campaigns that have made them familiar to the American people. In the case of an appointed Vice President like Gerald Ford, his very elevation to the office has given him an exposure that has made him familiar to the public.

Ford's appointment to the vice presidency provides a psychological and political legitimacy that contrasts with the general unfamiliarity of the American people with the two most recent Speakers of the House. In 1963–1965 and 1973, respectively, they were next in line for the presidency when the office of Vice President was vacant. However competently a Speaker performs the duties of his office, he remains relatively unknown to most Americans. A period of crisis, such

as a vacancy or disability in the presidency, is not the best time to introduce an unfamiliar face to the country.

Since 8 of our 37 Presidents have succeeded to the office on the death of their predecessors, concern for the widest possible acceptance of such a transfer of power must be one of our political system's highest priorities.

A Vice President elected by the nation, rather than a political figure elected only by a state or congressional district—or, in the case of Cabinet members or the Chief Justice, appointed by the President—provides the least potential for divisive debate over succession if such an unexpected crisis occurs. Furthermore, the elevation to the presidency of a Vice President elected on the same ticket (or under the 25th Amendment, appointed by the President with the approval of the Congress) and committed to the same platform and policies, maximizes the opportunity for continuity in programs and policies endorsed by the nation in the preceding presidential election.

There is a second argument for the office of Vice President, an argument not nearly so persuasive but, nevertheless, not to be dismissed lightly. The Vice President can provide the President with a strong right arm to relieve him of a portion of his immense burden. The Vice President can work with the Congress, with the states and municipalities, with the public at large. I have suggested that he should chair the Domestic Council.

He can help in dealing with foreign countries. He can perform assignments that the President feels would be unwise for him to take on himself, but for which an official lower than Vice President would be unsuitable. The Vice President is in the unique position of having a seat on the Cabinet, but outranking Cabinet officers.

The Vice President can serve as the President's eyes and ears. He can function as a kind of ombudsman, helping the public deal with the federal bureaucracy. Through these contacts and others, such as speech-making trips around the country, he can use his political antennae to sense the mood of the country and report back to the President.

As an elected official of the nation, second only to the President in personifying the nation, the Vice President can relieve the President of some ceremonial duties and responsibilities which, however trivial they may seem to the casual observer, signal to the nation and the world that the President is committed to specific domestic and foreign policy objectives.

In addition, of course, whatever duties the President assigns the Vice President help prepare him for the presidency itself should the need arise.

Under President Lyndon Johnson I had many such opportunities. At the request of the President, I helped coordinate and implement the federal government's responsibilities in the areas of civil rights and poverty. Among other assignments, I was the President's liaison to state and local officials and to Plans for Progress. I undertook numerous overseas missions for the President, including special assignments on the Nuclear Proliferation Treaty, the Kennedy Round of Trade Negotiations, and the North Atlantic Treaty Organization.

What the Vice President will do or is permitted to do, in the main, is determined by what the President assigns to him or permits him to do and the power and authority that he is willing to share with him. The President can bestow assignments and authority and can remove that authority and power at will. I used to call this Humphrey's law—"He who giveth can taketh away and often does."

Before the President can bestow such authority, he must have confidence in his Vice President's political instincts and in his integrity and sound judgment. Although the President and Vice President do not have to agree on everything, the Vice President should support the President in public, reserving his disagreements for private meetings. There can only be one President at a time. There must be some sense of direction, a policy, a program.

It is difficult for me to see how any suggested institutional changes in the vice presidency could increase the capacity of the Vice President to fulfill the two responsibilities discussed above. Any attempt to increase the duties and responsibilities of the Vice President by constitutional amendment or by statute would infringe unnecessarily on the present flexibility of the President to administer the executive branch as he deems in the national interest. At present, a President may delegate to the Vice President such responsibilities as he sees fit, without committing future Presidents to do likewise if a specific Vice President is not suited by training, interest or temperament to handle similar responsibilities.

Therefore, I am generally satisfied with the present role of the Vice President in our system, and I urge caution in attempting to institutionalize a redefinition of that role.

If I am relatively conservative in my reluctance to tamper with the present role of the Vice President in the American political system, I am somewhat more liberal with regard to the second facet of the current debate over the vice presidency—the process of selecting nominees for the office. Happily, both major parties are moving toward some revision of the vice pres-

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"The career system has contributed to making Congress sluggish and slow to change its ways. Defects in the electoral process, in short, must be judged partly responsible for the present policy-making defects of our national legislature."

Choosing Congressmen

By Roger H. Davidson
Select Committee on Committees, U.S. House of Representatives

According to democratic theory, the legislative branch of government is uniquely the people's voice. "Here, sir, the people govern," observed Alexander Hamilton—himself no friend of popular institutions. "This body," said a former member of Congress, "is a mirror in which America can see herself." The executive agencies are cloaked in anonymity and even secrecy; the courts deliberate in isolation; but our traditions dictate that Congress should remain open and accessible.

Members of Congress are not, however, a demographic mirror of the nation. To be sure, the constitutional requirements of office are fairly broad—age (25 years of age for the House of Representatives, 30 for the Senate), citizenship (7 years for the House, 9 for the Senate), and residency in the state. And in the wake of the 26th Amendment, which permitted 18-year-olds to vote, there have been efforts to lower the minimum age still further. In practice, however, the gateways to service in Congress are much narrower, and not all Americans enjoy an equal chance of serving there.

Collectively, the members of Congress comprise an elite group. Among members educational achievement is high. The professions predominate—especially law (almost two-thirds of all members are lawyers), business, agriculture, education, and journalism. Only a handful of blacks serve in Congress, and other minorities are also underrepresented. And, of course, Congress is overwhelmingly a male institution.

Senators and Representatives are the products of a long and oftentimes arduous process of nomination, campaigning, and election. This process has a direct impact on the types of people who serve in Congress, and ultimately on the policy products of the two houses.

The roots of congressional policy making lie in the home constituencies of the 100 Senators and 435 Representatives. Most legislators are closely tied to their state or district by virtue of their background, viewpoint, and electoral necessity.

Each state, of course, enjoys equal representation in the Senate. Because states vary widely in population, the Senate is the one legislative body in the nation where the "one-man, one-vote" rule definitely does not apply. Fearing confrontations between small and large states, the Framers of the Constitution designed the Senate (whose members were to be chosen by state legislatures) as a counterweight to the popular interests embodied in the House. Popular election of Senators (the 17th Amendment to the Constitution) erased this distinction; but the Framers guaranteed the Senate's malapportionment by providing that no state could be deprived of its equal representation in that body without its consent (Article 5).

As long as states were relatively small and Senators were chosen indirectly, the Senate tended to be a collection of spokesmen for dominant state or regional interests—cotton, tobacco, and banking, for example. Today, however, most states boast highly developed, varied economies; indeed, statewide electorates are often microcosms of the whole nation.

The 435 House seats are apportioned among the states by population, although the Constitution guarantees each state at least one Representative. On the theory that the House was originally intended to be a popular body, the Supreme Court in 1964 ruled that districts must be substantially equal in population within each state.[1] At first this ruling was interpreted as requiring almost mathematical equality; but in recent years slightly greater leeway has been granted.

The actual drawing of district lines is the responsibility of state legislatures and governors. If they fail to agree on an acceptable plan—as sometimes happens, considering the high political stakes—courts may be called in to draw the lines.

The requirement that districts be equal in population has given new life to the time-honored practice

[1] *Wesberry v. Sanders*, 376 U.S. 1 (1964).

of gerrymandering, the art of drawing district lines cleverly to maximize partisan or individual advantage. There are two techniques, jokingly referred to as "packing" and "cracking." To pack a district is to draw its lines to include as many of one party's voters as possible, in order to make the district safe for the incumbent. In cracking, an area of a party's strength is scattered among two or more districts, to minimize the voting leverage.

Incumbent Representatives watch over the redistricting process with understandable apprehension, sometimes exercising decisive influence. Obviously they prefer the safest possible districts—not only to ease reelection, but also to give them more freedom of action in office. Congress has long been urged to require that all districts be "compact and contiguous," but no action has been taken. Incumbents are predictably reluctant to limit gerrymandering. More often than not, then, redistricting is effected so that the incumbents' reelection prospects are protected.

Compared to an entire nation or state, congressional districts are likely to be more homogeneous, dominated by a narrow range of political interests. This tendency is exaggerated by gerrymandering. Congressional districts do not usually parallel other natural or political boundary lines, making it necessary for candidates to construct their own campaign organizations. This is especially hard for non-incumbents, who lack the staff assistance, media exposure, and free mailing privileges enjoyed by members of Congress.

HOW CANDIDATES ARE NOMINATED

Procedures for selecting congressional candidates are established by state law. While differing in particulars, the state nominating systems invariably follow either the direct primary or the convention system or some variation of one of these.

Forty of the states, plus the District of Columbia, provide for the nomination of congressional candidates by a simple direct primary. The party organizations have no choice (although a few of these states use conventions to select candidates for other offices); and the results of the primary are binding.[2]

Four states, Alabama, Georgia, South Carolina, and Virginia, allow the parties to decide whether they will hold conventions or direct primaries. In these states, the Democratic party usually opts for primaries; as the dominant party its nominations tend to be more hotly contested. Republicans, in contrast, usually nominate in convention. In South Carolina, a political convention can nominate only with the approval of three-fourths of those who are attending.

Several states employ combinations of the primary and convention methods. Two states nominate by convention, leaving losers the option of demanding a primary if their convention vote surpasses a fixed percentage; this is the case in Connecticut (20 percent) and Delaware (35 percent). Similarly, Utah nominates by convention but allows an appeal unless the convention nominee receives 70 percent of the delegate votes, in which case he is not subject to the primary. Iowa and South Dakota reverse this process, providing for nomination by direct primary, but with a convention selection if no candidate receives at least 35 percent of the primary vote. In New York, candidates are designated by party central committees. However, anyone who receives 25 percent of the votes of a party committee may demand a primary; or a primary may be forced by a petition of 20,000 party members.

Two special election features, employed by some states, are worthy of mention. Most Southern states[3] require a second, or runoff, primary between the top two candidates whenever no candidate in the first primary receives a majority. Historically, these runoffs were intended to introduce more coherence into the Democratic selections which, because of the party's dominance, were (in the common phrase) "tantamount to election." In one-party areas, a combination of a weak central party organization and the attractiveness of the nomination often produces a multitude of candidates, none of whom may have a broad base of support. In the 1960 gubernatorial primary in Florida, for example, there were 10 candidates, none of whom received more than 21 percent of the vote in the initial primary. The runoff obliged the two leading candidates to appeal to the entire electorate for support.

The pre-primary advisory endorsement is a relatively new procedure. Colorado, Idaho, and Massachusetts provide for pre-primary endorsing conventions, the results of which are not binding but, nevertheless, carry varying degrees of weight with the rank and file of the party. As already noted, Utah has a pre-primary convention with binding results if the candidate wins the support of 70 percent of the delegates.

The states have adopted varying approaches to the question of who shall be allowed to participate in mass meetings, election of delegates to party conventions, and direct primaries to select party nominees. Party leaders naturally favor strict rules of participation, because they tend to reward party loyalty and make it easier for the leaders to influence the outcomes. A large majority of states therefore specify some form of "closed" participation in primaries or conventions. Twenty-six states and the District of Columbia re-

[2] *The Book of the States* (Lexington, Kentucky: Council of State Governments, 1972), 19: 29.

[3] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Texas, and Virginia.

quire voter registration by party and limit participation in party affairs to those who are (or become at the time of participation) registered party members. Another 16 states, though not requiring voter registration by party, allow anyone who declares himself at primary time to be a party member to participate in party functions. In some states, voters are technically open to challenge if they have not supported the party in the past, although challenges are rare and practically impossible to substantiate.

The so-called "open primary" is conducted in six states—Michigan, Minnesota, Montana, North Dakota, Utah, and Wisconsin. Voters do not have to register by party and can vote in the primary of either party (but not both) without declaring their party allegiance. Two states, Alaska and Washington, have "blanket" primaries, in which all candidates for the same office are grouped on the ballot, regardless of party. Voters are allowed to choose one candidate for each office, crossing party lines if they like.

The direct primary was one of a series of reforms adopted earlier in this century as a cure for corrupt, boss-controlled conventions. Certainly it has achieved the goal of permitting a wider spectrum of people to participate in candidate selection. Of course, primaries usually attract a smaller number of voters than general elections (except in certain one-party areas, where primaries are more important than the general elections).[4] Because they are less visible than the general elections, primaries tend to attract more informed and interested voters, and those more loyal to the party banner.

Many political scientists blame the direct primary for hastening the decline of strong party organizations. Certainly the parties' control of their nominees has been weakened. Party leaders can influence the selection by lending support to their candidates in the primary, but it is harder to influence an election than a caucus or convention. With the advent of mass media, would-be nominees often find it profitable to make their appeals over the heads of the party leaders to a wider public. Thus the primary method of choosing candidates has hastened the decline of strong party organizations, and has encouraged would-be officeholders to build their own bases of support, separate from those of other party officeholders.

For this reason, the primary is an expensive way of choosing candidates. Unless the candidate starts out with overwhelming advantages, he must mount virtually the same kind of campaign for the primary that he must later duplicate in the general election. Though the scale and partisan thrust are different, the same techniques—personal appearances, mailings, canvassing, and media advertising—are required to win the primary as in the general election. Thus the rise of the primary system has helped to escalate the high costs of running for congressional office.

CAMPAIGN FINANCING

Campaign costs are formidable for political hopefuls. In its study of campaign spending, the citizens' lobby, Common Cause, estimated that $77.2 million was spent by Senate and House candidates in 1972. Of this figure, approximately $10.8 million was spent by 780 House and Senate candidates who lost their primary campaigns. The remaining $66.4 million was spent by those candidates who survived to run in the November elections.[5] These figures are even more impressive when it is remembered that only 33 Senate seats were at stake in 1972, and that 52 Representatives had no major-party challengers.

Campaign spending figures are equally awesome. According to the Common Cause study, the 106 candidates who ran for the Senate in the November, 1972, elections raised about $27.3 million and spent about $26.4 million. In races where no incumbent was running, the average cost was about the same for candidates of both parties—$481,156 for Democrats and $458,484 for Republicans. But in average spending, Senate incumbents of both parties more than doubled their challengers—$495,424 to $244,126.

A similar pattern prevailed in contests for House seats. In 1972, according to Common Cause, Democratic incumbents spent an average of $50,009 and Republican incumbents, an average of $51,947. Democratic challengers, on the other hand, spent an average of $30,295, and Republican challengers, $33,587. Races without incumbents not only featured a more equal distribution of spending, but a lot more spending in general: approximately $90,000 per race, regardless of party.

Actual spending varies with the political complexion of the state or district. Perhaps the most costly Senate race of all time was the 1972 Texas contest between incumbent Senator John G. Tower and challenger Barefoot Sanders. Nearly $3 million was spent in that race, mostly by Tower, the winner. It is not uncommon, however, for senatorial contenders to spend $1 million or more to gain seats in large, populous states. In contrast, the venerable George Aiken of Vermont filed a spending report for $17, mostly for postage stamps, in his successful reelection of 1968. Costs in House races also vary, though not so dramatically. In some hotly contested races involving two non-incumbents, more than half a million dollars has been reportedly spent; but the average is less than $50,000; and for the 52 Representatives who

[4] See Austin Ranney, "Parties in State Politics," in Herbert Jacob and Kenneth Vines (eds.), *Politics in the American States*, 2d ed. (Englewood Cliffs, N.J.: Prentice-Hall, 1971), p. 98.

[5] "Common Cause Study of 1972 Campaign Finances," reported in *Congressional Quarterly Weekly Report*, 31 (September 22, 1973), 2515–2517; and (December 1, 1973), 3130–3137.

had no major-party opposition in 1972, the figures were negligible. Four candidates reported no expenditures at all in 1972.

Virtually all phases of campaigning have become more expensive, paralleling overall rises in living costs. With more populous constituencies and weaker party machinery, a large slice of the campaign budget must be channeled into communications media. This includes radio, television, newspapers, magazines, billboards, and telephone banks. Perhaps $1 out of every $3 spent in House and Senate campaigns—a total of $22.5 million in 1972—goes for this purpose.

In financing, as in other aspects of the campaign, incumbents start with a marked advantage. In 1972, incumbents were able to raise an average of twice as much money as their challengers, regardless of party —no doubt because they were a more attractive investment for contributors. Financial resources were balanced only in races where there was no incumbent.

Incumbents, moreover, enter the race with resources, some of them paid for by the taxpayers and designed for the day-to-day performance of their duties. These include office staffs, both in Washington and in the home district or state; free mailing privileges for official correspondence; the chance to win support by helping constituents; and the visibility accorded them by local newspapers, radio, and television. "In Congress today," declared Fred Wertheimer, legislative director of Common Cause, "we have neither a Democratic nor a Republican party. Rather we have an incumbency party which operates a monopoly."

Because money is so critical to a candidate's electoral fortunes, campaign contributors are in a position to influence the results. Needless to say, not everyone can participate equally in this phase of politics. Of the money raised by congressional candidates following implementation of the Federal Election Campaign Act of 1971 (that is, after April 7, 1972), 35 percent came from individuals who contributed more than $100 apiece. More than half this amount was in donations of $500 or more.

The financial inequalities of campaigning—between incumbents and non-incumbents, and between wealthy and poor donors—have led to demands for campaign reform. Campaign finance reform is urged not merely to clean up campaigns, but to shift political influence from those who rely on financial contributions to those who depend on other resources.

Several techniques have been either employed or proposed to control the role of money in political campaigns. Primary among these are: (a) disclosure of campaign contributions and expenditures; (b) limits on campaign contributions; (c) limits on campaign expenditures; (d) provision of radio and television time for candidates; and (e) proposals for the public financing of campaigns. These approaches will be discussed primarily as they apply to Senate and House campaigns.

Disclosure: Full disclosure of the sources, amounts, and uses of money in elections has long been a goal of reformers; and virtually all financing laws include disclosure provisions. The most complete disclosure law in history is the Federal Election Campaign Act of 1971 (P.L. 92-225), which requires disclosure by candidates and by political committees working on their behalf. The most significant provisions require candidates or political committees to report all individual expenditures or donations of more than $100, complete with the name and address of the donor and the date of the contribution. The law generated more than half a million pages of reports in 1972, its first year of operation.

Advocates of disclosure believe that publicity will create financial accountability, curb excesses and abuses, and encourage a broader base of financial support for elections. For example, the Twentieth Century Fund's Task Force on Financing Congressional Campaigns declared that

> Full disclosure and publication of all campaign contributions and expenditures are the best disciplines available to make campaigns honest and fair. We also believe full public reporting will tell the public where political contributions are going, where they are needed, and thus encourage more people to make contributions to political campaigns.[6]

David W. Adamany, a leading student of campaign finance, believes that such claims are "hopelessly optimistic."[7] He maintains that complete reporting is unwieldy and time consuming. By the time complete

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[6] Twentieth Century Fund's Task Force on Financing Congressional Campaigns, *Electing Congress* (New York: Twentieth Century Fund, 1970), p. 15.

[7] David W. Adamany, "How Shall We Finance Our National Elections" (paper presented to the Western Political Science Association, April 4–6, 1974), esp. pp. 33–38.

"The contemporary electoral college is not just an archaic mechanism for counting votes for President; rather, it is an institution that aggregates popular votes in an inherently imperfect manner."

The Electoral College

By Lawrence D. Longley
Assistant Professor of Government, Lawrence University

The contemporary electoral college is a curious political institution. Obscure or even unknown to the average citizen,[1] it serves as a crucial mechanism for transforming popular votes cast for the President into electoral votes that actually elect the President. If the electoral college were only a neutral and sure means for counting and aggregating votes, it would probably be the subject of little controversy. The electoral college, however, does not just tabulate votes neutrally in the form of electoral votes. Instead, it operates with noteworthy inequality —it favors some interests and hurts others. In addition, its operations are by no means certain or smooth. The electoral college can—and has—deadlocked, forcing a resort to extraordinarily awkward contingency procedures. Other flaws and difficulties with the system can also develop under various electoral situations. In short, the electoral college system has important political consequences, multiple flaws, possible grave consequences, and inherent gross inequalities. Yet, it is a central part of our presidential electoral machinery.

Several broad questions concerning the electoral college are suggested by these comments: how does the electoral college work, on what grounds has it been criticized, and what are the plans and prospects for reform? In order to shed some light on these key matters, we shall examine the following specific questions: how was the electoral college system originally created, how has it changed over time, what are the major proposals for change or abolition of the electoral college, what might be the consequences of these various plans, what happened to electoral college reform efforts which seemed so close to success in the late 1960's, and finally, what are the prospects for electoral college reform in the future?

THE HISTORICAL BACKGROUND

The electoral college system was accepted and written into the Constitution at the constitutional convention in 1787 not because it was seen as a particularly desirable means of electing the President, but rather because it was an acceptable compromise—"the second choice of many delegates though . . . the first choice of few."[2] Torn and divided, but finally in agreement on the monumental issues of national-state powers, presidential-congressional relationships, and most of all, the issue of equal state representation versus population representation in the new national legislature, the Founding Fathers were not about to let the convention split anew over the means of presidential election. Some delegates favored election of the President by Congress; others strongly favored a direct popular election by the people. Even more important, each proposal had adamant opponents; adoption of either might mean a break-down of emerging convention consensus of the draft Constitution.

The result was a compromise plan providing for an intermediate electoral body called an electoral college. This proposal, as awkward as it might appear, had several virtues: it was widely acceptable, it seemed unlikely to give rise to any immediate problem (it was clear to all that George Washington was going to be President, whatever the electoral system); and it seemed (incorrectly, it turned out) to incorporate a balance between equal state and popular vote interests. Most important, however, it got the constitutional convention over yet another hurdle in its immensely difficult process of constitution making. The result, however, was a complex and unwieldy multistage mechanism for electing the President. A camel is said to be the product of a committee; so the electoral college was the result of immediate political

[1] In another publication, from which many points made in this essay are drawn, the following "man-on-the-street" interviews are cited: "Every boy and girl should go to college, and if they can't afford Yale or Harvard, why, Electoral is just as good, if you work"; "The group at the bar poor-mouth Electoral somethin' awful. Wasn't they mixed up in a basketball scandal or somethin'?" quoted in Lawrence D. Longley and Alan G. Braun, *The Politics of Electoral College Reform* (New Haven: Yale University Press, 1972), p. 1.

[2] Neal R. Peirce, *The People's President: The Electoral College in American History and the Direct-Vote Alternative* (New York: Simon and Schuster, 1968), p. 43.

necessity at the constitutional convention. As John Roche, a noted commentator on this period, has put it:

> The Electoral College was neither an exercise in applied Platonism nor an experiment in indirect government based on elitist distrust of the masses. It was merely a jerry-rigged improvisation which has subsequently been endowed with a high theoretical content. . . . The vital aspect of the Electoral College was that it got the Convention over the hurdle and protected everybody's interests. The future was left to cope with the problem of what to do with this Rube Goldberg mechanism.[3]

To the extent that the Founding Fathers attempted to anticipate how the electoral college would work, they failed. The creators of the electoral college assumed that the chosen electors would, in effect, *nominate* a number of prominent individuals: they thought that, because of diverse state and regional interests, no single candidate would receive the specified absolute *majority* of electoral votes in the ordinary course of events. At times a George Washington might be the unanimous electoral college choice but, as George Mason of Virginia argued at Philadelphia, 19 times out of 20, the final choice of President among the three top contenders would be made not by the electoral college itself, but by the House of Representatives voting as states, with one vote per state.

Inherent in this system, then, was a mechanism for electing the President which has not, in fact, operated as the founders assumed. What was not foreseen was the rise of national political parties able to aggregate and focus national support on two, or occasionally three, candidates. Except for the elections of 1800 and 1824, no contender has ever received an electoral-vote majority, and the House contingency system as the usual means of presidential election has been replaced by election by the electors themselves—or, more accurately, by a state's voters electing electors. The structure of the original process remains, however, with chaotic possibilities if necessity forces its utilization.

Another aspect of the system as envisioned by its creators should also be noted. The Founding Fathers assumed that the electoral college—reflecting in a rough way the population of states—would favor the large states at the cost of the small states—(or, more accurately, populations rather than individual states). When the House contingency procedure went into effect—as they thought it usually would—the voting would be one vote per state delegation, thus representing individual states regardless of population. This system, then, was a compromise between the principles of *population* and that of *state interest*—but the balance rested on the assumption that the House contingency election procedure would normally be used. After 1824, however, the original balance of interests foreseen by the Founding Fathers was destroyed in favor of a representation of population—albeit a distorted representation.

The historical facts, then, are that the original electoral college system has not, for over 150 years, worked as intended by its creators; it was replaced as a nominating mechanism by national political parties; and it has not provided a balance between state interests and population interests. In addition, a number of crucial changes have been introduced into the operations of the electoral college system. Among these are the 12th Amendment to the Constitution, ratified in 1804, which served to ensure the electoral college's election of a President and Vice President of the same party,* the development of the universal popular election of electors early in the 19th century,[4] the occurrence of the curious phenomena of the faithless elector[5] (which itself could happen only with the development of the party-pledged elector), and the emergence of the winner-take-all system for determining each state's electoral votes.[6] Together, these changes constituted major modifications of the original system. Instead of being an assembly of independent statesmen usually nominating three top contenders for final decision in the House, the electoral college is made up of unknown individuals whose only virtue is a reflexive voting for their party's nominee; its only function is to confirm a popular electoral verdict handed down six weeks earlier.

THE CONTEMPORARY ELECTORAL COLLEGE

Among the weaknesses of the contemporary electoral college system are the possibility of one or more "faithless electors"; the impact, upon presidential campaign strategy, of voting distortions introduced by

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* For the text of this amendment see *Current History*, June, 1974, p. 276.

[3] John P. Roche, "The Founding Fathers: A Reform Caucus in Action," *American Political Science Review*, 55 (December, 1961), p. 811.

[4] The last state to resist the movement to the popular selection of presidential electors was South Carolina, which adopted election of electors only after the Civil War. The previous method, generally abandoned early in the nineteenth century, was the state legislative election of presidential electors. See Peirce, *op. cit.*, pp. 74 and 76, and Longley and Braun, *op. cit.*, pp. 30–31.

[5] The first faithless elector was Samuel Miles, a 1796 Federalist elector in Pennsylvania, who declined to vote for Adams, the Federalist candidate, and instead cast his vote for Jefferson. See Peirce, *op. cit.*, p. 64, and Longley and Braun, *op. cit.*, pp. 29–30.

[6] The district division of electoral votes had been common early in the nineteenth century, but completely disappeared by 1836. It momentarily reappeared in Michigan for one election late in the nineteenth century for particular partisan reasons. In 1969, Maine resurrected the district division of electoral votes through adoption of a plan, which went into effect with the presidential election of 1972, allowing for determination of two of its four votes on the basis of its two congressional districts. See Peirce, *op. cit.*, pp. 74–78, and Longley and Braun, *op. cit.*, p. 31.

the electoral college—particularly the focusing on very large states and the loss of interest in "predictable" states; the opportunities for mischief—and even national chaos—in the "absolute electoral college majority or House contingency election" procedure. This has the result of encouraging *regionally based third parties* while the state-wide, "winner take all" custom effectively suppresses non-regionally based *nationally orientated third parties*. It is also true that under the present electoral college system there is no guarantee—and in some recent elections not even a better-than-even chance—that the winner of the presidential election in popular votes will be the winner of the election in electoral votes.

These features of the electoral college system can be summarized in terms of five basic characteristics: 1) the faithless elector; 2) the unit rule concerning a state's electoral vote; 3) the constant two electoral votes per state; 4) the contingency election procedure; and 5) the uncertainty that the winner will win.

The first characteristic arises out of the fact that the electoral college today is not the assembly of wise and learned elders envisaged by its creators, but is rather a state-by-state assembly of political hacks and fat cats. Neither in the quality of the electors nor in law is there any assurance that the electors will vote as expected. Pledges, apparently unenforceable by law,[7] and party and personal loyalty seem to be the only guarantees of electoral voting consistent with the will of a state's electorate.

The problem of the "faithless elector" is neither theoretical nor unimportant. Republican elector Doctor Lloyd W. Bailey of North Carolina, who decided to vote for Wallace after the 1968 election rather than for his pledged candidate, Richard Nixon, and Republican elector Roger MacBride of Virginia, who likewise deserted Nixon in 1972 to vote for Libertarian party candidate John Hospers, are two recent examples of "faithless electors." Similar defections from the expectations of those who voted for President also occurred in 1948, 1956 and 1960. Even more important is the fact that the likelihood of this occurring on a multiple basis is greatly heightened if an electoral vote majority rests on one or two votes—a very real possibility in 1968, as in other recent elections.

The second problem of the contemporary electoral college system lies in the almost universal[8] custom of granting all a state's electoral votes to the winner of a state's popular vote plurality—not even a majority. This can lead to interesting results, as in Arkansas, in 1968, where Hubert Humphrey and Richard Nixon together split slightly over 61 percent of the popular vote, while George Wallace, with 38 percent, received 100 percent of the state's electoral votes. Even more significant, however, is the fact that the unit voting of state electors tends to magnify tremendously the relative voting power of residents of the larger states, since each of their voters may, by his vote, decide not just one vote, but how 41 or 45 electoral votes are cast—if electors are faithful.

A third problem of the electoral college system lies in the apportionment of electoral votes among the states. The constitutional formula is simple: one vote per state per Senator and Representative. A significant distortion of "equality" appears here because of "the constant two" electoral votes, regardless of population, that correspond to the Senators. Because of this, inhabitants of the very small states are advantaged to the extent that they "control" three electoral votes (one for each Senator and one for the Representative), while their population might otherwise entitle them to but one or two votes. This is weighting by states, not by populations; however, the importance of this feature is greatly outweighed by the previously mentioned unit rule.

THE POSSIBILITY OF DEADLOCK

The fourth problem of the contemporary electoral college system is probably the most complex—and probably also the most dangerous in terms of the stability of the political system. This is the requirement that if no candidate receives an absolute majority of the electoral vote—in recent years, 270—the election is thrown into the House of Representatives to choose among the top three candidates. Two questions should be asked: is such an electoral college deadlock likely to occur? Are the consequences likely to be disastrous? A simple answer to both question is yes.

Taking some recent examples, Neil Peirce has shown that in 1948 a switch of 12,487 votes from Harry Truman to Thomas Dewey in California and Ohio would have denied both candidates an electoral college majority and thrown the election into the House. Similarily, in 1960, a shift of 8,971 popular votes from John F. Kennedy to Richard Nixon in Illinois and Missouri would have prevented either man from receiving an electoral college majority.[9] Finally, in 1968, a 53,034 vote shift in New Jersey, Missouri, and New Hampshire would have resulted in an electoral college deadlock, with Nixon receiving 269 votes—one short of a majority—Humphrey 224, and Wallace 45.[10] Perhaps a single faithless elector pledged to Humphrey or Wallace could have altered the election—although it is sad to think of the presi-

[7] Only sixteen states have laws requiring electors to vote according to their pledge, and these laws themselves are of doubtful constitutionality. See James C. Kirby, Jr., "Limitations on the Power of State Legislatures over Presidential Elections," *Law and Contemporary Problems*, 27 (Spring, 1962), 495–509.

[8] See footnote 6.

[9] Peirce, *op. cit.*, pp. 317–21. The concept of hair-breadth elections is also discussed in Longley and Braun, *op. cit.*, pp. 37–41.

[10] Longley and Braun, *op. cit.*, p. 11.

dency being mandated on this. One thing is certain —that individual would not have been Bailey—he was a pledged Nixon elector.

1968 is a significant election example,[11] for it shows clearly how an electoral college deadlock is likely to occur: 1) when a third party is strong enough regionally to capture a number of electoral votes, and 2) when the two major parties are so evenly matched as to negate the usual *multiplier effect* of the electoral college majority far exceeding the popular vote plurality. Both these conditions were present in 1968, but—fortunately for the two-party system—at different times during the campaign.

During September, Wallace was being credited with about 21 percent of the popular vote and up to 128 electoral votes. According to one computer study, in order to get 270 electoral votes under these conditions, Nixon, in September, would have had to lead Humphrey by a minimum of 4 to 5 percentage points in the popular vote in the 39 other states—which he did.[12]

By election day, Wallace's popular vote strength and, more importantly, his electoral vote strength had shrunk, while Humphrey's popular and electoral vote strength had increased—a not coincidental relationship. The question throughout the last weeks of the campaign was whether Wallace's electoral vote strength would be enough, in light of a developing Nixon-Humphrey stand-off, to deadlock the electoral college? By 53,000 votes it was not.

But what if it had been? What would have been the likely scenario?[13] There are three major possibilities. The first two relate to voting in the electoral college itself, and assume that one or two faithless electors were not sufficient to make a majority. Given a deadlock, it is possible that one or the other major party candidate could make a deal with Wallace or his electors individually. This is relatively unlikely, if only because of the disastrous consequences of the almost inevitable disclosure. A king maker enjoys real advantage from his actions only if he is recognized as one.

A second scenario would involve a clever ploy. Without attempting to extract any implicit or explicit promises or understandings, Wallace might throw his electors one way or another while *hinting* at such promises and understandings. This strategy could have had enormous benefits to Wallace in terms of prestige, and, in fact, appears to have been the tactic Wallace would have followed.

The third scenario for 1968 would assume that no deals or actions before the electoral college met on December 16 were successful in forming a majority, and a deadlock did, in fact, result. The action would then shift to the newly elected House of Representatives meeting at noon on January 6, 1969, only 14 days before the constitutionally scheduled Inauguration Day for the new President.

The House of Representatives' contingency procedure that would then be followed is an unfortunate relic of the compromises of the writing of the Constitution. In terms of the 1968 population distributions, in following the one state–one vote arrangement, 76 House members from 26 states with a population of 30.7 million could theoretically have outvoted 359 members from 24 states with a population of 148.6 million. Beyond this problem of equity lurks an even more serious problem—what if the House itself should deadlock and be unable to agree on a President?

It was commonly assumed that, as a result of the 1968 congressional elections, the newly elected House acting in 1969 (had the electoral college deadlocked in 1968) would have elected Humphrey. Twenty-six state delegations were controlled by Democrats, 19 by Republicans, and 5 were divided and consequently would cast no vote.

It is possible that some maverick Representative seeking publicity might almost alone have been able to block a clear verdict. In addition, deep South Democratic congressmen might have felt great compulsion to support Wallace rather than Humphrey, reducing Humphrey's total one or two from the 26 bare absolute majority necessary to win.

One other factor would almost certainly have intervened to prevent victory for anyone. This was the 1968 pledge made by a number of congressmen—mainly Southern Democrats in districts leaning toward Wallace or Nixon that, if elected, and if the election came to the House, they would *not* automatically vote for Humphrey, but would vote however their district had voted for President. In many states, this pledge would have made no difference, but in several it would.

At least 30 candidates for the House of Representatives had made such public pledges prior to the election, among them all six men who were elected to the House from South Carolina. All six were Democrats, but three of their districts went for Nixon, two for Wallace, and one for Humphrey. If these representatives had honored their pledges, South Carolina's vote would have gone to Nixon, despite its solid Democratic representation.

The Virginia delegation was evenly divided between Republicans and Democrats. However, two Democratic Representatives, David E. Satterfield III and John O. Marsh, Jr., had made this pledge; their districts were carried by Nixon. A third Virginia

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[11] For a detailed analysis of the 1968 presidential election in terms of the electoral college, see Longley and Braun, *op. cit.*, pp. 7–17.

[12] Peirce, *op. cit.*, pp. 141–45.

[13] Much of the following discussion is adopted from Longley and Braun, *op. cit.*, pp. 12–17, and "Wallace Candidacy Raises Fears of Electoral Stalemate," *Congressional Quarterly Weekly Report*, July 19, 1968, pp. 1811–1823.

Democrat, W. C. Daniel, would have been pledged to Wallace. Thus Virginia's vote might have gone to Nixon. Finally, Nevada's lone congressman, Walter S. Baring, a Democrat, would have been publicly pledged to cast his state's vote for Nixon.[14]

The results of these *publicly recorded pledges would have been—assuming complete party loyalty otherwise;* and *no Wallace defections*—a House vote not of 26–19, and 5 states split, but 24–22–4.

One can carry this type of analysis on and on—for example, showing how a Democratic Senate might have had to choose a Vice President between Spiro Agnew and Curtis Le May[15]—but my purpose here is not to sketch scenarios, but to show the likelihood of constitutional crisis if and when the electoral college system breaks down.

Besides the four aspects of the electoral college system so far discussed: "the faithless elector," "the unit rule," "the constant two votes per state," and "the contingency election procedure," one last aspect should be described. Clearly, under the present system, there is no assurance that the winner of the popular vote will win the election. This problem is fundamental: can an American President operate effectively if he has received less votes than the loser? It is likely that the effect upon the legitimacy of a contemporary President would be disastrous if he were elected by the electoral college after losing in the popular vote—yet this has happened two or three times, the most recent indisputable case being the election of 1888, when the 100,000 popular vote plurality of Grover Cleveland was turned into a losing 42 percent of the electoral college vote.[16]

Although over 500 different reform proposals have at one time or another been introduced in the United States Congress,[17] four major types of reform plans can be identified: the automatic plan, the proportional plan, the district plan, and the direct-vote plan. The first of these, the automatic plan, is a limited reform proposal focusing on the problem of the faithless elector, while otherwise retaining the essentials of the existing electoral college.[18] The automatic plan would abolish the office of elector, and provide for the automatic casting of the blocs of electoral votes as determined by the various states' popular votes. The unit rule would be kept—in fact, it would be written into the Constitution for the first time. The present apportionment of electoral votes also would be maintained—along with the chance that the winner in popular votes might not win in the electoral college. Most versions also provide for a change in the contingency procedure through congressional voting by all members—Representatives and Senators—as individuals in a joint session of Congress. The uncertainty lasting into January would, of course, remain. Congressional deadlock might follow.

Perhaps the most important consequence of this plan is that distortions inherent in the present electoral college system would be retained in the "reformed" electoral system. These distortions have a number of different causes, among them being the constant two electoral votes given each state regardless of population, the unit rule by which all of a state's electoral votes are determined by a plurality of the state's voters, the constitutional basing of electoral votes on population figures independent from actual voter turnout, and the fact that these population figures are themselves based on census figures that freeze the electoral vote apportionments among the states for 10 to 14 years.[19] The result of these various structural features of the electoral college is to ensure that the electoral college can never be a neutral counting device, but inherently contains varieties of biases dependent solely upon in which state a voter is casting his vote for President. The contemporary electoral college is not just an archaic mechanism for counting the votes for President; rather, it is an institution that aggregates popular votes in an inherently imperfect manner.

Major efforts have been made in recent years to measure the biases of the electoral college in terms of the ability of a voter to affect decisions through the process of voting. Methodologies based on the mathematical theory of games and utilizing computer simulations of thousands of elections have been developed to estimate the relative voting power of citizen-voters in the different states.[20] Additionally, some

[14] Longley and Braun, *op. cit.*, pp. 16–17.

[15] This could have resulted if, as some September, 1968, predictions had suggested, the Wallace-Le May ticket ran ahead, in electoral votes, of the Humphrey-Muskie ticket, thus making Le May the second candidate to be considered by the Senate. Senator Edmund Muskie would be excluded from Senate consideration, because the Senate is limited, by the Constitution, to considering only the top two candidates for Vice President.

[16] For a consideration of the elections of 1876 and 1960 as elections in which the popular leader lost in the electoral college, see Longley and Braun, *op. cit.*, pp. 1–9 and 33–35.

[17] One count found at least 513 different purposes for change introduced in the United States Congress through 1966. See Longley and Braun, *op. cit.*, p. 43.

[18] The automatic plan is subject to detailed analysis and assessment, and arguments pro and con are summarized, in Longley and Braun, *op. cit.*, pp. 43–49 and 76–78.

[19] John H. Yunker and Lawrence D. Longley, "The Biases of the Electoral College: Who Is Really Advantaged?" in Donald R. Matthews (ed.), *Perspectives on Presidential Selection* (Washington, D.C.: The Brookings Institution, 1973), p. 173–74, and Longley and Braun, *op. cit.*, pp. 95–96.

[20] See: Longley and Braun, *op. cit.*, pp. 103–128, Yunker and Longley, "The Biases of the Electoral College," pp. 174–203, and Lawrence D. Longley and John H. Yunker, "The Changing Biases of the Electoral College," Senate Judiciary Committee, Subcommittee on Constitutional Amendments, *Hearings on Electoral College Reform*, 93d Congress, 1st Session, September 26 and 27, 1973.

studies have sought to determine the voting power of various categories of voters, including residence, regions, ethnic and occupational groups.[21]

The purpose of this research in every case is the same—to discover the advantage or disadvantage the electoral college gives to citizen-voters *solely according to where they chance to reside and vote.* The findings are too complex to summarize here, except to note the pattern of biases found for the electoral college, which also applies to the automatic plan.

The electoral college contains two major, partially countervailing biases, each favoring residents of quite different states. Voters in the very smallest states are found to have an advantage due to the constant two votes given every state regardless of population; voters in the larger states, however, have an even greater advantage due to the winner-take-all system. The net result, however, is an overall large state advantage under the electoral college; the most disadvantaged citizen-voters are residents in the medium to small states with from 4 to 14 electoral votes.[22] Specifically, a citizen voting in California in the present electoral college (or under the automatic plan) as apportioned in the 1970's, is 2.546 times as likely to determine the outcome of the presidential election as is a citizen voting in the most disadvantaged area—the District of Columbia.[23]

The second and third major reform plans are somewhat similar in that they share a far different bias. Under the proportional plan, not only would the office of elector be abolished, but so would the state-wide, winner-take-all unit system.[24] Each state's electoral vote—apportioned, however, at present with the small state advantage in the "constant two"—would be divided, in proportion to the popular vote, to one-thousandth of an electoral vote. This would eliminate the inequities favoring the populous states arising from the unit vote, while retaining the inequities favoring the smallest states arising from the constant two. The result would be a large systematic bias favoring the smallest states—in fact, the relative voting power under this "reform" of a resident of Alaska in the 1970's would be 4.442 times that of a resident of New York.[25] In effect, the proportional plan transforms the complex and partially opposing biases of the electoral college into a system containing substantially greater biases, sharply favoring the smallest states.

The third plan, the district plan, would keep the pledged elector, but abolish the state-wide unit rule except for the two votes corresponding to the Senators.[26] The other votes would be decided on a district by district vote—a sort of miniature winner-take-all. The inequities arising from the constant two votes would be retained, while the populous state advantage arising from the unit vote would be eliminated. The result, predictably, is a set of biases similar to the marked small state advantage found for the proportional plan. Under this plan, a resident of Alaska in the 1970's would have 2.857 times the relative voting power of a resident of California—assuming that the voting districts were equal in population and that no thought of political gerrymandering had occurred.[27]

The fourth system has the virtues both of being simple and—unlike the three preceeding plans—of dealing with all five problems of the present system. The direct vote plan would totally abolish the electoral college, unit voting, the constant two, and the House-based contingency election procedure.[28] Under this plan, a vote for President, whether cast in Pennsylvania or Wisconsin, would count equally in the election of the President. If no candidate received 40 percent of the vote, a runoff election would be held between the top two contenders. The winner, in terms of the most number of votes, would in fact

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[21] See Longley and Braun, *op. cit.*, pp. 121–128, Yunker and Longley, *op. cit.*, 190–195, and Longley and Yunker, *op. cit.*, pp. 29–34.

[22] Longley and Braun, *op. cit.*, p. 115, Yunker and Longley, *op. cit.*, p. 182, and Longley and Yunker, *op. cit.*, pp. 7–10.

[23] Longley and Yunker, *op. cit.*, p. 10.

[24] The dangers of the contingency election procedure generally are not dealt with by this plan—except that, in all probability, an electoral college deadlock is made greater since the multiplier effect of the electoral college would be absent. The proportional plan is subject to detailed analysis and assessment, and arguments pro and con are summarized, in Longley and Braun, *op. cit.*, pp. 49–57 and 78–79.

[25] Longley and Yunker, *op. cit.*, pp. 21 and 23.

[26] The district plan is subject to detailed analysis and assessment, and arguments pro and con are summarized, in Longley and Braun, *op. cit.*, pp. 57–64 and 79–81.

[27] Longley and Yunker, *op. cit.*, pp. 25 and 27.

[28] The direct vote plan is subject to detailed analysis and assessment, and arguments pro and con are summarized, in Longley and Braun, *op. cit.*, pp. 64–69, and 82–128.

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"The most vital element . . . is American society itself. Nothing in the realm of campaign financing will change substantially unless we change some of our habits and attitudes. Adherence to our campaign financing laws will never improve until we change our attitude toward the enforcement of all our laws."

Reform of Campaign Financing

By George Thayer*
Author of Who Shakes the Money Tree?

American campaign financing practices are surrounded by rhetorical smoke. One way to cut through this is by examining the myriad myths and truths that appear to cling in unusual numbers to the subject.

Perhaps the premier myth is the belief that we spend too much money on our party and elective politics. In some ways this is so. The amount of money needed to run for any of the top 1,500 elective offices in the United States is invariably quite high. Unless very wealthy, an individual cannot seriously consider running for the offices of President, senator, representative, governor, or mayor of a city over 200,000 in population without the help of many financial angels.

The intangible costs are just as high. They rise beyond the bounds of reason whenever a candidate, no matter how honest or high-minded, is forced to beg or bargain for the necessary funds; whenever he becomes beholden, either directly or indirectly, to his financial backers; and whenever he promotes the special interests of his angels to the detriment of the general public welfare. The cost is also too high whenever it stifles political competition, entrenches the old guard in power, encourages frivolous behavior, hinders any significant change in the status quo, distorts the legislative process, discourages talented men of average means from entering the arena, or promotes a widespread cynicism among the people. Since these conditions exist today, quite clearly some of the costs are too high.

Presumably the purpose of long and expensive campaigns, in addition to allowing voters an opportunity of choosing their leaders, is to sharpen issues and to rekindle interest in and deepen our understanding of democratic themes and processes. If that is the case then an even stronger argument can be made that, despite the fact that we misdirect much of what we do spend, we are not spending enough. For all the money spent in our political campaigns over the last quarter century, 30 to 45 percent of all eligible voters still refuse to exercise their franchise in Presidential election years. The percentage is even higher in off years. For all the money spent we have still not been able to create an atmosphere in which issues can be debated fully and rationally.

The question is: if we believe that democracy flourishes half on the free exchange of ideas and half on human effort, how much should we be spending on both in our electoral process as part of our entire effort throughout society to nurture the growth of democracy? Is it $200 million? $300 million? $400 million? Or should we perhaps begin thinking in terms of spending on the order of $3 or $4 billion on our electoral process every four years, and appropriate sums for the off years? Considering what all the millions we have spent in the last quarter century have brought us, the question clearly deserves some deep thought.

The myth of excessive spending is in reality a clouding of the truth that much of the money we spend in politics is wasted and misdirected.

Many Americans also labor under the false belief that spending is rising at a profligate rate. On the contrary, only recently have certain expenses increased steeply, and they have tended to distort the overall picture. Prices have been driven up, as they have been in other sectors of the economy, by inflation, by a continuously expanding constituency and by the costs of new techniques.

There is a body of opinion in this country that seriously contends that political office is limited to rich men, but there are too many individuals of ordinary means involved for the statement to be true. A cursory review of the financial status of Presidents, congressmen, senators, governors and various mayors

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over the past quarter century would reveal that the vast majority of them have not been rich at all. Most of them, in fact, entered the arena relatively impoverished and left it, or will leave it, years later in the same modest financial position.

The same holds true for other major elective offices. The United States Senate, for instance, is not the "millionaires' club" it is so often termed. Of the current crop of senators, no more than 20 could be called very wealthy. What can be said of nearly all of them, however, is that they are prosperous and successful people, qualities that are admired by the average voter. But this is not the same thing as being rich.

Another myth is that the side with the most money usually wins. If it were true, the Republicans would have held national power virtually uninterrupted since the Civil War, which of course they have not. Those who promote this myth do not appreciate the fact that campaign funds are used primarily to buy goods and services that are not volunteered. Historically, the Democrats have been far more adept than the Republicans at corralling volunteer help, mostly through the labor unions. As a result, Democratic party spending totals often appear lower than GOP totals.

Nor does it follow that the Democrats are the party of the poor and the GOP the party of the rich. This may be true according to broad voting patterns, but it is certainly not true when it comes to where both get their money. Fat Cats are permanent fixtures in both parties, and on occasion those contributing to Democrats outnumber those contributing to Republicans.

It is also a myth that the process of campaign financing is essentially dirty or immoral; that everyone who gives gets something, thus diminishing the democratic process; that those who give are elitists representing special interests; and that those who receive the contributions and run the political process are greedy and cynical.

Of course, part of the process is unsavory; there are, it is true, those who are rewarded for their gifts; some of the contributors undoubtedly harbor undemocratic attitudes; and there is little question that the arena abounds in crooked and cynical souls.

But in the main it is not true. The manner in which we finance our political campaigns is no more dirty, cynical or immoral than other endeavors in American life. It only appears that way because our politics are subjected to so much public scrutiny. Spreading the falsehood that the character of American politics, and its financial sector, is fundamentally different from the character of American society at large is doing a gross injustice to the cause of reform, for one will not be changed without the other being changed.

Another truth is that, in campaigns for the most powerful elective offices, costs are exceedingly high. The amount of money spent per voter over the years to elect a President tells the story. Between 1912 and 1952 the cost per voter, despite expensive years here and there, averaged about 20 cents. By 1960, however, the cost had risen to 29 cents, by 1964 to 35 cents, by 1968 to an estimated 60 cents. Costs for 1972, not all of which are in, indicate the per voter cost will approach one dollar.

The big jump since 1960 can be attributed to new techniques such as television, extensive jet travel, polling, computer time and consultants which have only recently come into widespread use. It is the cost of these items that has tended to distort the overall picture of campaign spending, and it is they, not all campaign costs, which need to be brought under control.

It is also a truth that money has always been easier, cheaper and more rewarding to raise in large sums from the wealthy few than in small sums from the electorate at large.

It is another truth that the ties between Fat Cats and officeholders work in favor of the status quo. In a sense it is inevitable since both groups have power, both need each other to preserve it, and both have the most to lose. To change anything substantial in the system that brought them to power, they argue, is needlessly risky. In many ways the point is almost too obvious to make, but it must be made again to reemphasize its importance: that no other tie so impedes the orderly process of change in America than that which binds big contributor and officeholder together.

An extension of this truth is that there is but one political party in the United States: the party of property. The Republicans and Democrats are simply feuding wings within that party vying for power. No President since Andrew Jackson has incurred the full hostility of business or, of late, labor. All Republican and Democratic candidates for President since Lincoln have been financed directly or indirectly by business or labor, or both. Every administration since Grant's has been influenced in part by very wealthy businessmen or powerful union officials, most of whom have been contributors or key men with access. The reason third parties have failed to establish themselves is that no substantial group of property owners, business or labor, has seen fit to underwrite one.

Incumbents benefit from any inaction in the present system. To reform campaign financing practices would increase interest in running for office, require more work by the incumbent, and expose everyone to more scrutiny. Legislators have no interest in reducing the number of advantages they have against challengers, such as the franking privilege (at the federal level), paid staff assistance, special research, radio and television facilities, and travel perquisites

(at both the federal and state levels). Any increase in publicity, particularly the public accounting of their political finances, they believe, would scare away Fat Cat contributors. In fact, they argue that if it is required that contributors be named at the state level, serious money would dry up completely. Fat Cats themselves reinforce this reluctance to disclose because most dislike publicity.

If there is a reluctance to change the law, there is an even stronger impulse to break what laws exist. The history of American campaign financing practices is a history of laws being broken, either willfully or with the tacit consent of those charged with enforcing the laws. In all likelihood this impulse will continue unabated into the foreseeable future, despite the flurry of prosecution in 1969, 1970, and 1973 and the passage of the 1971 reforms.

With these thoughts in mind, what possibly can be done to improve our campaign financing practices? The first thing we must do is to ask ourselves what kind of a political system we want. Presumably, it should be dynamic and flexible, open to all comers, competitive, capable of attracting the best minds and candidates, and provide a forum for debate, new ideas and national reconciliation. Campaign financing reforms should be molded around this ideal.

One scheme that will probably not improve matters is the one-dollar checkoff plan, a provision of the Revenue Act of 1971 which does not go into effect until the 1976 elections. A revival of an old idea previously introduced by Senator Russell Long in 1966, the plan would allow a taxpayer to earmark one dollar of his tax payment to the party of his choice. Once the party picks its Presidential nominee, the money would be turned over to him to spend as he chooses. If the candidate accepted this form of fund raising, he would have to forego other forms of financing. Indeed, if a contributor gave more than one dollar, the excess amount would be deducted from the total the candidate could receive from the checkoff fund. Tax authorities believe that over $20 million will be available for each Presidential candidate in 1976 from this scheme.

At best the plan is of dubious value. In the first place, if private funds are spent independently on behalf of a candidate, can such money be applied against the candidate's total allowable limit without a bitter fight—indeed, chaos—breaking out? Is not such a scheme an abridgement of First Amendment rights for those citizens who wish to express their support for candidates in more substantial ways?

Second, it puts a limit on Presidential campaign spending that is totally arbitrary. The amount to be spent is determined by taxpayer whim rather than the needs of the democratic process. Suppose, for instance, taxpayer interest in the scheme waned and only, say, $10 million was raised for a particular Presidential election. Is that the amount we should be spending to elect a President? Most Americans undoubtedly would say no.

Third, the money is to be contributed to parties prior to nominees being selected; thus a one-dollar donor might find himself having contributed to a party whose nominee he does not support. Furthermore, and fourth, Americans have historically supported *individuals,* not parties, with their money. This plan would enshrine the two big parties as permanent bodies on the political scene. Neither one has a particular right to permanence and should prosper or wither solely on the basis of who and what they offer the public. Were such a scheme in effect in the 1840's, no doubt we should still have a Whig party.

Fifth, such funds will tend to perpetuate the incumbents in power. The 1968 Democratic debt, in retrospect, has had a revitalizing effect on the party and, as such, is a healthy development; had its leaders been guaranteed huge sums every four years, yesterday's losers would probably still be running the party.

Sixth, such a scheme will undoubtedly wreak havoc on state and local parties, because, without a fund-raising role, they will be downgraded in importance and deprived of one of their major functions. Party control will become centralized in the candidate with the money; the faithful will feel less needed, and volunteers would probably become difficult if not impossible to find.

Taken as a whole, this checkoff scheme is one of the most regressive moves made by Congress in recent years. In many respects it is a reaction of those congressional leaders who, in their heart of hearts, do not want the system to be more open, do not want competition, new ideas and fresh faces, and do not want healthy and vigorous political parties because they believe this would drain away their power.

Another frequently suggested solution to our campaign financing inequities is federal funding, in which all or part of the money needed in Presidential, House and Senate races would be simply appropriated from general tax revenues.

The trouble with this and other similar schemes is that guaranteed money tends to entrench politicians in power; it strengthens the power of the existing parties and guarantees that they will remain on the scene for years, regardless of how spiritually and politically bankrupt they may become; it hinders the rise of new talent to the top; and it makes life difficult for splinter parties that cannot compete financially. Partial government subsidies used for specific purposes are not necessarily regressive, but tend to be when they are of a general nature.

Often the suggestion is made that the costs of campaigning could be sharply reduced if we limited the

length of our campaigns. The example most widely cited is the British custom of limiting parliamentary electioneering to three weeks. Why this proposal is so seriously suggested is difficult to understand because, besides reflecting a profound ignorance of the differences between American and British political customs, it would be, short of some Draconian law, impossible to enforce.

A cursory glance at both political traditions reveals that a British government can fall at any given moment within a five-year election period. It can happen tomorrow, next week or next year; but whenever it occurs, a new election is immediately scheduled, usually no more than three weeks later. In the United States, on the other hand, Presidential administrations rise and fall every four years on predetermined dates which are known in advance. House, Senate, gubernatorial and mayoralty elections also occur on certain dates in specified years in the future, and every politician and aspiring officeholder is aware of them. Presumably an individual could set his sights on an election in, say, 1988 and campaign ceaselessly for the job from now until the first Tuesday in November of that year. To suggest that he limit his electioneering to the three weeks (or three months, or even three years) previous to election day, particularly if the job in question were the Presidency of the United States, displays considerable lack of understanding of American political traditions.

We would do well to avoid adopting wholesale the practices common in foreign countries. Most western European political parties are financed either by membership dues or by kickbacks from businesses and unions operative in the election district. Both are unimaginative practices that smack of coercion. Most of these countries additionally have such sketchy reporting laws that they make ours look utopian by comparison. West German law, for example, requires only that contributions over $6,250 be published.

But we could benefit from some practices that are common abroad. Many western European governments underwrite costs like election-day expenses, television time and free mailings. All these ideas could be applied beneficially to the American political process. Eliminating such partisan political expenses as pollwatching, "walking-around money," babysitting fees, and so forth, could reduce the costs of some campaigns by as much as 30 to 40 percent. The costs could be picked up by the local, state or federal governments out of general revenues. Of course, there would be stiff opposition to such a plan from local leaders whose political power derives in part from their financial clout on election day.

The British government also assigns during elections a certain number of free hours of television and radio time to the major political parties. Each can use its time as it sees fit, and the time is paid for by general tax revenues. A similar plan would be beneficial in the United States. The major television and radio networks should give a prescribed number of free hours each election year to Republican and Democratic candidates for President, Vice-President, the House and Senate, governor and mayor of cities over 200,000 in population. Minor political parties should also be given some free time, perhaps basing the amount on the number of signatures each collects. Furthermore, a bonus plan should be available to those who use their time for public debates and presentations of 15 minutes or more.

Whatever amount of time is made available should be on the generous side because it should be the viewing and listening public, not the U.S. government, which ultimately decides how much is enough. The private purchase of time should not be prohibited (to do so might be an abridgement of First Amendment rights), but the free time made available should be close enough to the saturation point so that large amounts of additional purchased time would be deemed unnecessary.

A similar scheme could be worked out for the primaries: each candidate for office would be given a small amount of free television and radio time which he could supplement with his own funds. The purpose in both instances would be to guarantee a basic access to the broadcast media, to help relieve the financial pressures of broadcast campaigning, to promote rational political discussion and to stimulate citizen participation.

The 10-, 20-, 30- and 60-second television spot often comes under fire as a regressive political expenditure since no rational discussion can be conducted in these small amounts of time. Candidates ordinarily use them only for name and party identification.

The answer is not to ban spots but to encourage the use of larger amounts of time to allow for more rational discussion and debate. Of course, the difficulty here is that, like those who would resist the public financing of election-day expenses, opposition would come from candidates and officeholders who have little to offer in a rational discussion or debate and who would benefit most from being marketed like soap. These people often are the very same ones who control the flow of reform legislation at the local, state and federal levels.

The British government also underwrites one free mailing for every parliamentary candidate. Such an idea should be adopted here in the United States right down to the local political level. Every announced candidate for office should be allowed one free mailing throughout his election district. The threat here is that such a plan would cause a huge paper explosion and encourage participation by self-seeking publicists who simply want to take advantage of the free postage. However, rules limiting an individual's mailing

to one sheet of paper, to be sent third class, the addresses broken down by the candidate by Zip Code and street number, all of which would have to be delivered to the post office by a certain date prior to the election, would surely cut down on the postal overload.

Disclosure is the vital core of campaign finance law. The provisions of the 1971 act, as written, are quite comprehensive and only minor loopholes remain. The problem is that in time, as happened with the Corrupt Practices Act, these loopholes will become major avenues to avoid disclosure. Therefore, a constant pressure should be maintained to close off all avenues of escape.

One of the loopholes that could be closed is that which allows, through lack of clarity in the law more than anything else, foreign corporations or nationals to contribute, as happened technically in the Mexican and Luxembourg laundry operations. We have enough money and problems of our own without bringing foreign money into the equation. Another loophole to be closed is the one that allows committees to forego reporting until money has been spent.

The loophole that permits independent political committees to escape reporting their business affiliations on the thin ice that the organization is open to anyone should also be closed. Perhaps the best way to do this would be to make a ruling requiring the listing of such affiliation if more than half the donors or members came from one business firm or union. Another loophole that should be closed is that which tacitly allows corporations and unions to lend their jet aircraft to candidates. There should be a flat ban accompanied by stiff fines for any candidate for federal office, or federal officeholder, using corporate or union transportation, or any other costly "courtesies."

Another vital area is the one that guarantees, and indeed encourages, dynamic, open and freewheeling elections. In this regard, several sections of the law are in need of revision. One is Section 315 of the Communications Act, known as the "Equal Time Provision," which hinders debate between serious candidates for a particular office because *all* candidates, no matter how frivolous, for the office are required to be given equal air time. If this section were repealed, minor party candidates would not necessarily be denied access to the media. On the contrary, the Federal Communications Commission has encouraged stations to offer free time to minor party candidates as part of their community service function. In fact, in 1972, many minor party candidates received free exposure, but at the same time there were no debates or public discussions between Nixon and McGovern, or even their surrogates.

The one-dollar checkoff scheme should also be abolished, for reasons cited previously, and the money returned to the donors.

A further provision of the law that needs eliminating is that which limits media expenditures to ten cents per voter. Although the law appears to curb profligate television and radio spending, it is in fact an invitation to break the law, despite the cost-of-living escalator clause, because of the competitive nature of American politics.

Another vital center is the one that seeks to clamp down on the power and influence of special interests. The most effective way to do this, in addition to complete disclosure, is, as has been noted, to control campaign funds at their source. While it would be distasteful, and probably unconstitutional, to legislate a monetary limit on total contributions, the influence of Fat Cats could be diminished somewhat by requiring that all cumulative gifts over $3,000 be subject to the gift tax, regardless of how many political committees the money passes through.

The ban on contributions from business and union general operating funds should also be rigidly maintained. The problem here, of course, is less with a weakness in the law and more with a weakness of government officials to prosecute violators.

The personal spending limitations in the Federal Election Campaign Act of 1971 placed on candidates for the Presidency and Vice-Presidency ($50,000), the Senate ($35,000) and House ($25,000) on their face appear unconstitutional and should be repealed. There should be a ceiling on contributions only if large funds pose a direct and substantial danger to our political process which cannot be controlled by alternative measures, and it has never been proved that such a danger exists.

The danger of rich men in politics is not a general one, but is specifically limited to primary elections. There, a rich man whose only qualification for office is his money can do particular damage, because he does not have to compete in the political marketplace for his funds (which in itself is a winnowing process), and he forces the voter to give him attention which he might not otherwise merit. But in the general election, a rich man's money becomes less important because traditional party sources are tapped for the bulk of the necessary campaign funds.

The problem, therefore, is to balance the influence of wealthy candidates with less wealthy ones in primary elections. One way this can be done is by offering certain free services, such as television and radio time and election-day expenses, to all comers, both

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The late **George Thayer** is also the author of *The British Political Fringe* (New York: International Publications Service, 1965), *The Farther Shores of Politics* (New York: Simon and Schuster, 1967), and *The War Business* (New York: Simon and Schuster, 1969).

"Until the public gains the organization and the resources to compete on a more equal footing with private interests in the political arena, public concern about the influence of interest groups will be periodic, vehement, and temporary. Even with reform of campaign financing, the influence of private interest groups will remain largely undisturbed."

Interest Groups in the Political Process

By Bruce Ian Oppenheimer
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Attention to the behavior of organized, private interest groups is again on the rise in the United States. People are concerned with a wide variety of their activities in the American political process, activities ranging from contributing to political campaigns to influencing anti-trust decisions to lobbying for or against the passage of legislation. At various times in this century, interest group activity has been the focus of public outcry. But this outcry is temporal in nature and rarely is anything done by the government to limit the influence of these interest groups.

Many people fail to understand fully the reasons for interest group influence on the political processes and the reasons why individual citizens, or groups of citizens, are unable to compete with private interest groups. Without such an understanding, attempts to regulate these groups are futile. When the term "interest group" is used, it refers to private interest groups. Often the term "pressure groups" is used to describe them. This term is a misnomer, since pressure is not the way they exert most of their influence.

Because of the recent revelations about contributions by various interest groups and corporations to the 1972 presidential campaign, the electorate begins to assume that this is the major source of interest group influence. The assumption is that a candidate agrees to support the political position of a group on a particular issue in return for campaign funds. Moreover, it is believed that these funds are vital to the success of a campaign and decide who will be elected.

There are at least some truths in this view. But several important refinements must be made. First, candidates often hold particular policy positions prior to receiving funds from an interest group. Interest groups give financial support to candidates they want to see elected. Thus, in 1968, presidential candidate Richard Nixon, or committees acting in his behalf, received over $1.2 million from oil industry officials and organizations. Oil industry officials gave this money not to buy his support on certain tax provisions, like the depletion allowance, but because they knew he had supported these provisions since his days as a congressman and was likely to continue to do so. On the other hand, they knew equally well that Hubert Humphrey had been a consistent opponent of these provisions.

Second (and related to the first point), given the high costs of campaigns, it is possible that only candidates who already support the positions held by certain private interest groups find it feasible to run for major office. Certainly in soliciting campaign funds a candidate is strong if he supports positions held by the potential donors. If such groups remain a major source of campaign funds, the field of candidates may be limited. Candidates who take positions on issues opposed to those taken by major interest groups may find themselves without financial backing.

Third, money tends to be more important in deciding who gets a nomination rather than who gets elected. Money is a major resource in providing visibility for a candidate. It can be used to buy media time and a professional public relations campaign. This is especially important to a new candidate running in a primary election. Studies have shown that a major factor in determining who wins a primary is name identification. Many candidates simply do not have a chance because their names are not known to the voters. In this case, a media campaign (or money) is most valuable. In general elections, candidates can usually get sufficient attention (at least for major offices), and money is less important than at earlier stages when their names are not household words. An interest group's contribution can have a major impact in a primary. Those who are well financed can become known, have a better opportunity to present their ideas to the public, and are in a strong position to win primary contests. Money remains important in a general election, although in presidential elections, the candidate who spends more, loses about

as often as he wins. It is in the early stages, in deciding who becomes a candidate, that interest group contributions are most significant.

Although election activity is one way interest groups try to direct government operations, it is far from their most important exercise. True, election results that are favorable to a particular interest group give it a head start in forwarding its policy positions. Thus, in 1968, oil industry officials expressed great relief with the election of Richard Nixon. But even when election results are not satisfactory to a particular interest group, it still possesses other tools for affecting government decisions.

Most obvious tools are constituency ties between public officeholders and various interest groups. An elected official is well aware of organized interest groups in his constituency. A Senator from Michigan would find it difficult to hide his position on labor issues; a Senator from Wisconsin cannot ignore legislation affecting dairy interests; a Senator from Texas cannot avoid issues involving petroleum. The well-being of each of these groups is important to the respective Senator simply because the interests of his constituency may be intertwined with the well-being of the group. If, for example, one examines congressional debates over the oil depletion allowance during the past 25 years, one finds that the strongest defenders of the allowance come from oil-producing states, and the defense is always couched in terms of how a change in the allowance would affect the people in the legislator's home state.

Moreover, most major interests exist in more than one or two isolated areas. Oil production is a significant part of the economy in 15 states and, on issues affecting the oil industry, at least 25 of the 30 Senators from those states can be counted on for support. Issues affecting organized labor and the votes of legislators from industrial areas offer another example.

Naturally, these constituency ties are more influential because while Legislator X is looking after the interests of his district, Legislator Y is often too busy to offer any opposition because he is guarding his district's interests. In fact, this situation sets up the simplest legislative bargaining tool—the logroll; all it involves is an exchange of support.

Constituency ties do not exist only between interest groups and elected officials. Interest groups often develop ties with administrative agencies that are involved in programs affecting their interests. The interest group, as such, becomes the clientele of the agency. The agency often relies on clientele groups for political support in intragovernmental struggles and is responsive to demands of its clientele. Thus, for example, an agency desiring more funds depends on friendly relationships with the groups it serves, because these groups can help to lobby during budget hearings. This is especially a problem in the life cycle of regulatory agencies. They must set rules for operations in certain industries (the Federal Communications Commission and broadcasting, the Federal Aviation Administration and airlines, and the Interstate Commerce Commission and railroads are some obvious examples); yet they depend on friendly relationships with these constituent groups in the same way that the oil state congressman needs to remain on good terms with the oil industry.

Closely related to this constituency tie, especially in the case of administrative agencies, is the advantage that interest groups obtain in governmental decisions because of their control of information and expertise in areas of government policy affecting them. The recent "energy crisis" illustrates this. Government institutions, whether they were state boards estimating fuel needs, congressional committees examining oil company profits, or the Federal Energy Office calculating heating oil and gasoline reserves, found in the beginning that they were all forced to depend on oil industry figures and experts employed by either the American Petroleum Institute or the major oil companies. Of course, the government tried to develop its own independent estimates of petroleum supplies, but only after industry figures came into serious question. More often, government must continue to rely on information supplied by the industry or the interest group being regulated or affected by legislation.

Information and its development and transfer to government decision-making units are keys to the success of interest groups. Without outside, independent sources of information, congressional committees and administrative agencies may be forced to accept defense contractors' figures on the costs and capabilities of weapons systems, utility company figures on costs justifying rate increases, and the estimates of the American Medical Association and insurance companies on the costs and potential success of a national health care system. Yet each of these interests has a real stake in the outcome of governmental decisions. Moreover, it is part of their overall operations to gather this information in day-to-day activity.

Government decision-making units do not have the resources to monitor all such activities. For example, the Treasury Department does not have the staff resources to compete with the major oil companies in analyzing the impact of changes in provisions for taxation in natural resource areas. After all, the Treasury Department is not working only on those sections of the tax code. It must also evaluate changes in a variety of other provisions like investment tax credits, taxation of foundations, and provisions governing agriculture cooperatives. It is not surprising to find that during the struggle surrounding the 1969 Tax Reform Act, the Treasury Department could afford to have only one individual spending half his time on

natural resource taxation. Each of the major oil companies was able to dwarf this effort.

Sometimes, the control of information operates more directly. Interest groups supply friendly legislators with material to bolster the arguments they will make during floor debates or committee sessions. At times, they prepare speeches for a legislator on the subject matter, or draft the language of legislation for him to introduce, or supply a list of questions to ask unfriendly witnesses at a committee hearing. It works to the mutual benefit of the legislator and the interest group. He is credited for his activity and knowledge, and the position of the interest group is forwarded.

Naturally, the results of this information supply process are not all negative. Legislators are better informed; weaknesses in arguments are discovered; and often legislation is improved. This is especially true when interest groups are working on both sides of an issue, so that legislative proponents and opponents are both receiving information to foster their positions. But this is not always the case.

Closely tied to the importance of information supply is the interest groups' control of expertise in issues affecting them. They can afford to employ the experts. If, for example, an individual has developed expertise in tax law as it affects natural resources, where and for whom would this expertise be employed? Possibly one might establish a private practice in a small town, work for the government, at a university, or for one of the new "public" interest groups. However, it would probably be more lucrative and challenging to work for an oil or other natural resource company or a corporate law firm representing these companies.

In the most common career pattern, a young professional works for a government agency or as a legislative staff person for a few years, collecting experience, expertise and contacts within the government, and then leaves for a markedly higher salary with a law firm, interest group, or corporation. Not only is the professional's expertise valued but so are his contacts.

Some law-lobby firms regularly give employees leave to work for a federal agency for a couple of years and then return to the firm. Again, as with information supply, this pattern has positive effects in that the personnel of these firms have definite skills. More important is the symbiotic relationship the pattern fosters between lobbying organizations and government decision-making units. It becomes difficult to distinguish the lobbyist from the government staff personnel. The interrelationship is far more complex than this, but this discussion will provide some parameters.

Information and expertise factors often merge. An interest group often makes its biggest impact on legislation or an agency regulation when it suggests a slight change in wording or phrasing. First, through the use of expertise and information, a potential loophole in an unfavorable provision is located. Second, seemingly innocuous language is developed to widen the loophole. Third, a sympathetic ear is asked to introduce the "minor" change, and may rationalize it in other terms. Only after passage does the flaw become evident.

A case in point is a 1966 federal water-pollution bill designed to regulate oil spills. A one-word amendment to the bill offered by an oil district congressman at the request of industry officials led the Justice Department to comment several months later that the legislation was unenforceable because of the amendment. In fact, the Justice Department claimed that the 1924 Act, which the new legislation replaced, was stronger.

A more subtle source of interest group influence on government processes is the fact that groups with clear stakes in government decisions employ lobbyists who constantly monitor the activities of decision-making units. The lobbyists know when and where decisions will be made, the likely boundaries of decisions, and the personal quirks of the individuals making the decisions. In Congress, they do not begin to act when a bill reaches the House or Senate floor. They begin when the legislation is first considered in a committee or a sub-committee. Moreover, they do not stop their activities once a bill is passed and signed into law. Instead, they switch their focus to the administrative agency in charge of interpreting the provisions.

Much of this activity involves the "art of politics"—knowing who to talk to and what will appeal to interested individuals, keeping on good terms with staff people and elected officials, providing information and expert testimony, and even performing favors if possible. A successful lobbyist knows where to devote his resources and where not to waste his time.

From the description of ways in which private interest groups influence the American political process, one can begin to understand the difficulties faced by the public in counterbalancing the situation. The problem is highlighted when a hypothetical situation is examined. One may ask: "If the oil industry is able to influence the government enough to maintain certain tax advantages, why don't taxpayers organize to prevent this from happening?" There are several reasons.

First, if the oil industry wants a special tax provision, it can easily organize to act. Its own trade organizations can take on added responsibilities. Taxpayers, on the other hand, are difficult to organize. Their numbers are large and there is little holding them together.

Second, the value of a change in a tax provision may be worth millions of dollars to the oil industry. The industry is therefore willing to absorb the costs of a lobbying effort. In addition, since the number of companies is small, either each company can be forced

to pay the costs of the lobbying effort or the perceived benefit of the tax provision may be so substantial that one company will pay the total bill. Taxpayers have little to gain by opposing the provisions. A change in the provision worth millions to oil companies may be worth less than one dollar in the tax bill of the average taxpayer. As Mancur Olson has argued in his book, *The Logic of Collective Action*,[1] an economically rational individual does not undertake the costs of organization for such a small gain. His contribution to a consumers' lobbying effort will not determine whether the effort succeeds or fails; if the effort succeeds, he will receive the benefit (an increase in oil company taxes and a decrease in his taxes) without making any contribution.

Given these problems of organization, the public is in a weak position to lobby successfully. Without organization, who will gather information? Who will present expert testimony on behalf of the public? Who will monitor the decision-making process? The answers to these questions help explain why private interest groups are often unopposed in their efforts to influence government decisions unless other organized private interests oppose them. By the time the unorganized public becomes involved with an issue (as when a major bill comes up for floor debate in the Congress), it is often too late to act. Important decisions affecting the quality of the legislation have often already been made at decision points where the public was uninvolved. If the decision is not to act—for example, deciding not to report a bill out of committee—the public may never become involved. Similarly, important administrative decisions of government agencies are made in areas of such low visibility that only those who have monitored the activity closely will know what has happened.

Of course, much of this analysis is overstated. Public interests are sometimes represented by organized groups. But these groups usually have reasons other than political activity for their organization.

Nonetheless, private interest groups, despite apparent advantages, do not always get their way. Many elected officials try to represent the public in making decisions, although when they are faced with a barrage of information, experts, and seemingly harmless word changes, they become vulnerable.

In recent years, there has been a growth in the number of public interest groups that attempt to represent concerns of the average citizen. Such new groups as Common Cause, the Nader organizations and Tax Advocates and Analysts, as well as older organizations like the League of Women Voters, are beginning to have a real impact on the political process. They develop their own information and publicize political events that previously had little visibility. Most important, they recruit independent experts not employed by private interests and get them involved in the political processes. These groups, unfortunately, are spread too thin. They cannot possibly cover all the areas of government decision. Moreover, unlike private interests, they have limited financial and staff resources. Nevertheless, when they have become involved they have upset the symbiotic relationships between lobbyists and government decision makers.

The situation may offer little hope for change. Private interest groups with material stakes in political decisions will always have substantial influence. The increase in new public groups can only have marginal impact. However, it is doubtful that the picture is that bleak so long as one does not view any specific reform as a panacea. A case in point is the growing anticipation of improvement because of public financing of elections. While a well-designed public financing scheme could undercut the control private interest achieves simply by influencing who decided to seek office, it would do little to correct the broader problems of interest group influence.

The advantages of information, expertise and monitoring cannot readily be controlled. It may, in fact, be undesirable to try to control them, since they provide positive services for government decision makers. On the other hand, these private interests should face competition. The public needs its own experts and lobbyists with access to the political process. To accomplish this, public financing of citizens' organizations is needed. Voluntary contributions and a tax check-off system similar to the one used in financing campaigns could be utilized. Such organizations would first develop independent, and at times competing, sources of information on major issues; second, publicize important issues for public attention; and, third, provide access for independent experts into the political process. This last point is vital. It is not in the public interest that the most qualified experts on policy issues are attracted solely to private interests. Public interest organizations could attract experts to work for the public and not for vested interests.

It may be claimed that this proposal is unrealistic, and to a degree that is the case. Overwhelming political support for the idea does not exist. But one should note that the system of "advocacy planning," in which citizens of urban neighborhoods scheduled

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[1] Cambridge, Mass.: Harvard University Press, 1971.

Bruce I. Oppenheimer was a graduate fellow in Governmental Studies at the Brookings Institution in Washington, D.C., in 1970–1971. While there, he began work on a study of interest group activity in Congress. The completed study, entitled *Oil and the Congressional Process,* has recently been published by the Lexington Books Division of D. C. Heath and Company, Lexington, Mass.

"In reflecting on the impact of polls and television, we should bear in mind that both these tools are in their political infancy. . . . Until now, however, a certain equanimity has prevailed among social scientists who investigate campaign techniques. Voting research has shown that party loyalties have been the most important influences on the modestly informed electorate."

Political Polling and Political Television

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The most prominent additions to American political campaigns in the twentieth century are public opinion polls and television. These new tools perform functions once served by campaign trains, seat-of-the-pants reporters, political pundits, and Fireside Chats. Political campaigns have become less cozy and more quantitative than ever before. Apparently, a candidate who does not worry about his "ratings" is not a candidate at all.

Students of politics as well as politicians have been concerned with the effects of polling and television on the democratic process. Nor is this concern uniquely American. Both Germany and France now outlaw the reporting of poll results until after general elections; while Great Britain strictly limits and subsidizes political television broadcasts.

The question at issue is whether the use of opinion polling and television interferes with the choices which voters would otherwise make. A related question is whether the use of polls and television political campaigns prescribe the type of candidate who may successfully bid for public office.

While opinion is divided on these issues, those on both sides of the question appear to have their democratic *bona fides* on the table. Those who argue in favor of television campaigning point to the fact that the medium has already captured the leisure hours, if not the minds, of the American people. According to a Harris poll in September, 1973, 65 percent of Americans depend on television for information about politics.[1] The airwaves have brought thousands of armchair politicians close to the center stage. More Americans than ever before have the opportunity (via television) to observe and evaluate the candidates and the issues. All of these are surely democratic effects.

Those who decry television, however, fear that viewers respond only to politicians who meet the medium's criteria: good looks, poise, and a "cool" personality.[2] Furthermore, the time constraints on television are said to discourage reasoned political dialogue.[3] One wonders, further, if the vicarious experience of participation through television may tend to depress actual political participation.

To introduce the morass of media problems, we turn to a relatively circumspect question, namely, election-night reporting. Many congressmen have registered their apprehension that televised election forecasts enhance early voting trends. Given the time difference between the East and West coasts, for example, televised coverage that begins after the polls close in New York reaches California three hours before polls close there.

The effects of the time lag have been hypothesized as follows:

(1) Voters for the underdog will give up and stay home.

(2) Voters for the underdog will be spurred on to voting.

(3) Voters for the leading candidate will not bother to go to the polls.

(4) Half-hearted voters for the leading contender will leap onto the victory bandwagon.

Obviously, the psychology of voting suffers from too many plausible hypotheses. In a study of California

[1] Subcommittee on Intergovernment Relations, Committee on Government Operations, United States Senate, *Confidence and Concern* (United States Government Printing Office), part I, p. 79.

[2] For a definition of television as the "cool" medium, see Marshall McLuhan, *Understanding Media* (New York: McGraw-Hill Book Co., 1964).

[3] In the last 20 years, campaign advisers have shortened political television commercials to 30-second spots.

voting, Harold Mendelsohn and Irving Crespi found that election-night programs had only a negligible influence on the 1964 presidential election. With regard to 1968, they point out that when the election is too close to call the television effect is wiped out. In conclusion, the researchers expressed a pious hope that "bandwagon" and "underdog" effects are small and tend to cancel each other out.[4]

The election-night question is only at issue, of course, at the national level. Most local television coverage begins after the polls close. There is reason, however, to enforce the same good taste in national elections. Surely New York television viewers can go to sleep a little later on election night, resting comfortably in the knowledge that their choices did not influence the voters of California. Since 1968, several bills have been introduced in Congress to ensure that televised election-night coverage does not unduly influence voters.

The charge of undue influence redounds against all poll predictions, not just on television, but in magazines and newspapers as well. The concern is heightened in the case of televised election coverage because of its broad impact. But if polling has a direct influence on voters, then, logically, publication (broadcasting) of poll results should be restrained throughout political campaigns and not just on election day. Direct polling effects are *least likely* to be important on election day, when the majority of citizens[5] have already decided if they will vote, and for whom.

In order to assess whether polls directly affect voting, it would be necessary to isolate poll effects from other voting influences. Studies have shown that overall poll results have a negligible effect on voters' preferences. Voters respond strongly to "long-term" predispositions such as party and group loyalties, and to "short-term" influences, such as issues and candidates. These long- and short-term effects leave only a minority of voters undecided as a campaign progresses. The "late deciders" are often those who have conflicting group loyalties.[6] Polls probably have little effect on voters who face conflicts in their group loyalties. It has been shown that a key element in voting preferences is the reference group, that is, an identification group to whose views an individual tends to conform. For example, college students tend to conform in their opinions to a reference group of other college students. Studies have also shown that people "project" their views onto their reference group. Students, for example, are likely to believe that other college students hold the same opinions that they do. Even if the weight of national sentiment is against them, individuals may be reassured by perceiving consonant views within their own group. Selective perception further limits the impact of polls. People tend to recall only those poll results that confirm their own opinions and expectations and to forget those that do not.[7]

Joseph Klapper concluded from a review of the literature that there was "no absolutely conclusive evidence that . . . the publication of poll results *does or does not* affect the subsequent votes."[8] In the only study that was controlled with regard to both reference group and projective effects, the author found a shift in opinion when poll results *for the reference group* differed from prior expectations. Based on this study, Mendelsohn and Crespi infer that: "Only if one were exposed to a poll report concerning one's own reference groups, and if that report conflicted appreciably with impressions one had garnered from other sources, would there be any likelihood that one's own preference would be affected to any degree."[9] Therefore, these authors find the direct poll effect "trivial."

While that conclusion may have been valid in 1968, it is more questionable today. Reporting of opinion polls has become increasingly sophisticated. Many more journalists now describe the nature and limitations of polls.[10] But this increasing sophistication and the increasing media appetite for polls have led precisely in the direction to be feared. Gallup and other newspaper polls are now reported by region, race, religion, education, and age group. Today, the public has convincing evidence with regard to the opinions of its particular reference groups. To the extent that people bring their opinions into line with these reference groups, direct poll effects should increase. The size of effects in the aggregate, however, will depend upon the extent to which people make prior assessments about their reference groups. For example, if most blacks assume that their ethnic group supports a local Democratic candidate, and a local poll shows that blacks do support that candidate, then the net effect of the poll (i.e., the number of changed opinions) will be negligible. Opinions do not change if projections are accurate, and the charge of undue influence is only valid if opinions do change.

Projective "inaccuracy" probably varies from issue to issue. It is more likely to occur to voters who are "cross pressured," i.e., who hold conflicting group

[4] Harold Mendelsohn and Irving Crespi, *Polls, Television and the New Politics* (Scranton, Pa.: Chandler Publishing Co., 1970), p. 212.

[5] This discussion is based on the classic work on American voting behavior: Angus Campbell, *et al.*, *The American Voter* (New York: John Wiley and Sons, 1964).

[6] Ninety-seven percent in 1952 and 1956, based on national samples analyzed by Campbell, *et al.*, in *ibid.*, p. 41.

[7] See the study made by Cook and Welch in 1936, reported in Mendelsohn and Crespi, *op. cit.*, p. 21.

[8] Klapper made the study for CBS in 1964. His results were reported in *ibid.*, p. 18.

[9] *Ibid.*, p. 25.

[10] See the discussion by Stephen Isaacs, "Were Polls Overemphasized?" *Columbia Journalism Review* (January, 1973).

loyalties and opinions.[11] It is widely believed that in the presidential race of 1972, for example, many voters were cross pressured by their Democratic and labor loyalties. Congressional elections in 1974 will also cross pressure many voters. For example, Republican partisans must contend with Watergate and impeachment, while Jews must weigh the Republican policy toward Israel against old Democratic loyalties. Reference-cued polls can show the cross-pressured voter that he is not alone in his dilemma. When a Republican waverer finds a poll showing that 40 percent of Republicans favor impeachment, for example, it may resolve his own conflict. Polls may not create opinions, but they may reinforce weakly held views or sow doubts among strong opinions.

Of course, while cross pressure increases vulnerability to poll results, it also depresses turnout at the polls. Conflicted voters make up their minds later in the campaign and are less likely to go to the polls at all.[12] Since there is little hard evidence as yet concerning the reference-poll effect, it cannot be weighed against the no-vote effect. In 1972, for example, non-voting was particularly marked among the working class. Were these non-voters Democrats who did not like George McGovern, or were they McGovern supporters who knew a lost cause when they saw one?

While the impact of reference-cued polls is still in question, there is general agreement that polls significantly influence candidates, activists, and contributors. In the last presidential election the trailing candidate was bombarded with questions about his poor standing in the polls. McGovern's political director, Frank Mankiewicz, complained: "You don't . . . say 'Now tell us why he's not getting blue collar votes,' because if you keep on promoting that . . . he won't get blue collar votes." *Washington Post* political pollster Jim Hart countered that candidates are no worse off today than they were 30 years ago: "In 1936 and '40, there was probably an equal amount of 'What are you going to do now that the Teamsters have endorsed your opposition?' And so forth, which I simply see as generically the same sort of question, about how come you're not doing so well with this or that identifiable sector. Polling just makes it easier to specify a lot more groups that you're not doing well with."[13]

Annoying the candidate may only amount to minor interference in the campaign process. A more serious problem concerns the demoralizing effect of polls on supporters and campaign finances. Mankiewicz, for example, believed the polls to have had a "devastating" effect on contributions to the McGovern campaign. He found the polls "very damaging to morale, too, in terms of volunteer workers, manning headquarters, getting people out into the street canvassing. They turned people off very early."[14]

It may be argued that the polls save time and money for would-be supporters of the weaker candidate. The *net* effect of published polls, however, appears to be in the direction of spending. While there may be no bandwagon effect among voters, there certainly is a "bandwagon" for financial contributors. As the trailing candidate loses money, the leading contender gains it. If the last presidential election is any guide, the winning candidate can count on more money than he can spend. In the past, political contributions have been something of a gamble. With the current accuracy of public opinion polls, contributors can locate a sure win and gain a piece of the political action. Campaign finance reform would restrain the "polling-contribution" circuit, at least by limiting the size of such contributions.

Publication of polls throughout election campaigns probably widens the disparity between candidates' effectiveness. The harder it is for the loser to get money and supporters, the less effective his campaign is likely to be. And conversely, for the winning candidate. As campaigns draw to a close, however, political contests generally narrow.[15] Other campaign forces come into play: old loyalties are activated; waverers are brought back to the fold; and political interest is awakened among the apathetic. The polls' widening effects between candidates and the campaigns' narrowing effects among voters may tend to cancel each other out. Public financing of elections would certainly help minimize the problem.

The effect of polls on contributions and supporters is more serious with respect to primary contests than with respect to election campaigns. The primary contests are the gatekeepers of American politics. Polls and media interference in this process can actually eliminate a political contender altogether.

In 1968, George Romney withdrew from the Republican presidential preference primary in New Hampshire largely because of his declining strength in opinion polls. Romney's early start in the presidential race was also attributable to polls, which showed him to be the strongest opponent of President Lyndon Johnson. Thus, Romney's abortive campaign depended on private polls and not on actual voter intervention.

An egregious example of media interference in the primary process took place in the Democratic race in New Hampshire in 1972. The victim of this event was Edmund Muskie. The villains of the piece were the media interpretations of primary results. Muskie campaigned hard in the primary, laboring under the vicious opposition of Manchester's conservative press. He came away with 47 percent of the votes cast and a

[11] An example of a cross-pressured voter would be a Democratic partisan married into a Republican household.
[12] See Campbell, *et al.*, *op. cit.*, pp. 40–48.
[13] Quoted in Isaacs, *op. cit.*, p. 29.
[14] Quoted in *ibid.*, p. 40.
[15] Quoted in *ibid.*, p. 30.

winning plurality. George McGovern polled 30 percent. The media reports were: "Muskie wins but loses, while McGovern loses, but wins." This bizarre turn of events drew the following comments from the dean of academic pollsters, Warren Miller:

> You have to avoid inadvertently creating news. In 1972, Muskie was supposed to get 50 [percent] and the fact that he didn't get 50 percent became news. Well, it may have been that he was really exceedingly lucky to get the 47 percent he got. One of the functions of newspapers is to create expectations, and if you end up inadvertently creating totally unreasonable expectations, when the unreasonableness then gets exposed, it's treated as news rather than simply as a mistake of some time ago that has now been rectified.[16]

It is interesting to conjecture where the "magic 50 percent" came from. One line of deduction leads to the group of reporters attached to a candidate. In the lulls of campaigning, these colleagues trade information and ideas. In a small group, ideas may be continually reinforced, perhaps making fact out of speculation. Fifty percent is a nice round number. Absolutely speaking, 47 percent is very close to it. The impact of this media interpretation was dramatic. Muskie never recovered from the ignominy of the "defeat" he suffered in New Hampshire. The loser, George McGovern, stumped on to capture the convention and went on to a resounding defeat in the general election.

While this story illustrates the worst possible result of the polling-primary-media nexus, more favorable results are possible. In particular, the polling technique of matching opposition candidates can be extremely helpful to the nominating process. One of the weaknesses of primaries is that in most states only loyal partisans may participate. Tests of party loyalty vary from state to state (registration, declaration, and so on),[17] but the effect of these regulations is to make only a portion of the electorate eligible to participate. Nor are these eligible voters representative of the voting population. They tend to be drawn from the more active and more partisan sector of each party.

The turnout for primary elections at the state and local levels is notoriously weak. In view of the peculiarity of the primary voting population, it is particularly helpful for party leaders to put the primaries in a more general context. Opinion surveys can show the extent to which primary outcomes reflect the preferences of the general voting population. It is especially important to gauge the intentions of independents, most of whom do not vote in primary elections. Candidate matching surveys[18] can further temper the primary results. As the Republican nomination of 1964 and the Democratic nomination of 1972 both demonstrated, it is possible for a candidate to make a strong showing in partisan primaries and go down to ringing defeat in a general election. On the one hand, the primary defines the candidate's appeal to partisans. Generally, a candidate who cannot generate support among the party regulars will have a more difficult time campaigning. On the other hand, consultation of matched candidate surveys defines which candidates will serve the party's interest in the general elections. Party backers may have a difficult task when the polls and the primaries conflict.

The role of the media in the process is a delicate one. Both the primary results and matched preference polls must be fairly interpreted. If indeed the media has a legitimate role to play in the creation of expectations (as Warren Miller suggests), then those expectations should be wrought of some real evidence. A canvass of party leaders can be a source of "establishment" expectations for the primary candidates. Opinion polls are another solid data source for expected results. "Magic" (and probably all round numbers) should be eschewed.

In suggesting this particular role for media interpretation, we do not propose that news media increase the emphasis on polling. To the contrary. The media already stress the sporting aspect of elections. *Washington Post* reporter David Broder commented (probably typically): "It is a contest, like any other contest, people want to know who's ahead and who's behind. If you have ways of measuring that, that's legitimate information for the readers to have and that's legitimate news."[19]

In Paul Weaver's analysis of presumed media bias in the 1968 presidential elections,[20] he found that the agent of bias was not the predisposition of reporters, but their racing instinct. As a candidate fell behind in the polls, numerous stories chronicled his reactions to the bad news. The result was a preponderance of "negative" stories for the trailing candidate. In 1968, Hubert Humphrey received the negative preponderance. But late in the campaign, as the gap narrowed and the pace of campaign forecasts quickened, Richard Nixon felt the poll-media sting. The final result was a preponderance of "negative" Nixon stories in

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[16] Gallup trend data showed a narrowing in all presidential elections except 1956.

[17] Quoted in Isaacs, *op. cit.*, pp. 41–42.

[18] See the discussion in Frank J. Sorauf, *Party Politics in America* (Boston: Little, Brown and Co., 1972), pp. 211–213.

[19] For example: "If X is nominated by the Democratic party and Y by the Republican party, would you prefer to vote for X or Y? If Z and Y were the nominees, which would you prefer?"

[20] Quoted in Isaacs, *op. cit.*, p. 40.

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VIRGINIA C. KNIGHT

Just Received

THE EMERGING CONSTITUTION. By REXFORD G. TUGWELL. (New York: Harper's Magazine Press, 1974. 642 pages and index, $20.00.)

Arising out of a project at the Center for the Study of Democratic Institutions, this important work presents the case for a new constitution and a new government structure for the United States. After detailing the various arguments, the book concludes with a proposed working model for a new United States constitution. This book will be the subject of much concerned debate during the next decade.

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EXECUTIVE PRIVILEGE: A CONSTITUTIONAL MYTH. By RAOUL BERGER. (Cambridge, Mass.: Harvard University Press, 1974. 372 pages, appendices, bibliography and index, $14.95.)

As the title of this study makes clear, the distinguished author believes that the claim of executive privilege has no constitutional validity. The term "executive privilege" was coined in 1958; the myth, as the author terms it, is not embodied in the Constitution but was developed in the nineteenth century by Presidents who sought to

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THE ELECTORAL COLLEGE

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always be the winner of the election. In terms of voting power, a vote cast anywhere would count equally in electing the President. The direct vote plan, then, appears to contain many virtues, among them being simplicity and comprehensiveness, a basic equality of votes for President no matter where cast, and an assurance that the winner in popular votes will always be the winner of the election. This reform plan has been, in fact, the major reform alternative advocated in recent years. What happened, however, to account for its ultimate failure, and what are the prospects for the future?

WHAT OF THE FUTURE?

The story of what happened to electoral reform in 1969 and 1970 can be quickly told.[20] A constitutional amendment incorporating the direct vote plan was favorably reported by the House Judiciary Committee early in 1969 by a strong 29–6 vote. On September 18, 1969, the House of Representatives passed this proposal by a margin of 338 to 70 (coincidentally, the percentage of those voting for the measure in committee and on the floor was an identical 83 percent). Passed by the House by a huge margin, supported by an unprecedented lobbying coalition made up of the American Bar Association, the Chamber of Commerce of the United States, the AFL-CIO, and the League of Women Voters, endorsed by President Nixon, and favored, according to the Gallup Poll, by 81 percent of the American people, the direct vote plan finally looked like a reform about to succeed. The Senate, however, was to intervene.

The direct vote constitutional amendment had severe difficulties even in the Senate Judiciary Committee, as Republicans and Southern Democrats joined in efforts to bottle it up there. Finally reported to the Senate floor late in 1970—almost one year after House passage, the direct vote plan was subjected to an undeclared yet extremely effective Southern filibuster during September. Motions calling for cloture of debate failed to obtain a two-thirds vote on September 17 and September 20, and the constitutional amendment was finally indefinitely postponed (or killed) on October 6, 1970.

What charges against the direct vote plan contributed to its defeat? In ascending order of importance, they were that direct election of the President would encourage electoral fraud, damage federalism, fundamentally undermine the two-party system, and create major problems because of its run-off contingency plan. These arguments have been assessed in depth elsewhere,[30] and space here will allow only for a brief comment on these arguments.

The charge that the direct vote plan would encourage fraud was based on the belief that the present electoral college isolates the results of electoral fraud in separate state compartments. On the other hand, it can be easily shown that the electoral college enormously magnifies the possible results of fraud where it occurs in a swingable state, while the direct vote plan tends to dilute the impact of fraud in a national pool of votes. In 1968, for example, a "shift" of a minimum of 53,034 popular votes in three states could have resulted in an electoral college deadlock; in the same election, a comparable national shift of a minimum of 4,491,395 popular votes would have been necessary to cause a runoff election, had the direct vote plan been in effect.[31]

An abandonment of the electoral college system was viewed as dangerous to federalism. This argument seemed to be based more on the similarity of the structure of the electoral college to the structure of federalism than on any real evidence that the electoral college method of electing the President is actually basic to contemporary federalism. Rather, federalism would appear to be based on and maintained by the existence of strong state and local levels of government actively engaged in significant decision making and policy administration, not by some mechanism for electing the President.

The third belief, which is complementary, is that the present electoral college provides vital support for our two-party system. The proponents of the direct vote plan pointed out that in actuality the direct vote reform would remove the loophole through which regional third parties can exercise inordinate power, and would put all third parties on an equal footing in trying to reach a somewhat difficult minimum of 20 percent of the total popular vote. This figure—the least which a third party would have to have in order to deadlock an election should the two major parties evenly split the remaining 80 percent—is a goal more demanding for the regionally based party, and less demanding for the nationally based third party, than the requirements of our present system.

One additional benefit of the direct vote plan in relation to the two parties is that under it a vote anywhere would be of equal importance. Parties would have to seek votes throughout the country, albeit at greater cost and possible increased use of mass media. As a consequence of the search for votes, political parties would have to be concerned with party structure and "get-out-the-vote" campaigns even in states where they are a minority. Two-party competition would be strengthened—especially where it is weak.

[29] The legislative politics surrounding the defeat of electoral reform is the subject of "Direct Vote: A Goal Nearly Reached," Chapter 5 of Longley and Braun, *op. cit.*

[30] Longley and Braun, *op. cit.*, pp. 82–94.

[31] *Ibid.*, p. 85.

The runoff contingency plan was also criticized. Charges of cost, delay, and uncertainty, should a runoff election be necessary, were raised. Nevertheless, this contingency plan would probably be used infrequently—as long as the 40-percent popular-vote threshold level were retained.[32] Should it be necessary, the runoff plan also appears far superior to any conceivable vote of a joint session of Congress or any other non-popular-vote-based contingency plan.

It was also charged that abolishing the electoral college would take away some special advantage that urban, minority, or black voters enjoy; that it is not necessary to reform the electoral college system since we have not had recent actual electoral problems; and that we generally should be reluctant to tamper with a Constitution that has served us well.[33] Whatever the reason, the results were clear: support for reform of the electoral college, which had been building for five years, was stymied. The electoral college continues unreformed today.

What, then, are the prospects for reform? As of 1974, much of the impetus for electoral reform appears to have, at least momentarily, dissipated. It is possible, however, that a future presidential election may yet provide the American people and their political leaders with tragic evidence of the potentially disastrous shortcomings of the electoral college system. At that point, the politics of electoral college reform will become enlivened again.

[32] In only one election among the thirty-seven for which popular vote totals are available, did no candidate receive 40 percent of the popular vote. In that election, 1860, the leading candidate, Lincoln, received 39.8 percent of the national popular vote although he was not on the ballot in several states and thus could receive no popular votes at all in those states.

[33] See Longley and Braun, *op. cit.*, Chapter 5.

POLITICAL POLLING AND POLITICAL TELEVISION

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network broadcasts. Weaver believes that such bias could be overcome if the media avoided the "horse race" approach in reportage.

The people deserve to know who stands for what, rather than just who's ahead of whom. With the polls now married to journalism, the constructive side of this union should be explored. It is time for journalists to feed into the polls and not just the other way around. Politicial reporters are in an excellent position to generate interesting survey topics. With newspapers and magazines now funding the pollsters,[21] the public should receive a more profound understanding of the issues and the candidates.

In reflecting on the impact of polls and television, we should bear in mind that both these tools are in their political infancy. Dire warnings also accompanied the advent of radio in politics. Until now, however, a certain equanimity has prevailed among social scientists who investigate campaign techniques. Voting research has shown that party and group loyalties have been the most important influences on the modestly informed electorate. Party identification has generally been stable throughout an individual's voting career. From time to time, an unusual candidate (such as Eisenhower) or an important issue (such as war) has produced short-term voting changes. The "swing" voters, who voted only occasionally, were predominantly uninformed as well as unreliable.

There is reason to believe, however, that this picture of American politics no longer reflects the character of the electorate. First of all, the New Deal Democratic coalition of ethnic groups and the working class is in danger of collapse. More Americans than ever before now style themselves "independent" of party. While some of the independents are of the old style, uninterested in politics, others are the very opposite—vitally interested, highly educated, and politically sophisticated. The fact that many of these independents are young people may signal the beginning of a new phase in American politics. It may be that without the ballast of party loyalty, political campaigns may be much more important than they have been in the past. If that is the case, then the media and the polls will bear an even greater burden of responsibility.

[21] Paul Weaver, "Media and Election," paper delivered at the Long Island College Day (October, 1971).

CHOOSING CONGRESSMEN

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records have been compiled and filed, publicity has been generated, and the public alerted, the election itself may be over and decided. Effective publicity, he believes, depends on the willingness of the media to carry the stories. Lack of space, or political bias, may lead the media to offer only fragmentary reports of campaign funding. Further, voters cannot reasonably be expected to absorb and interpret long lists of contributors and expenditures. Finally, political financing is not a high-priority issue for the vast majority of voters. Candidates are unlikely to give up current arrangements in order to woo the small margin of voters who understand and care about the political finance question.

Limits on giving: Contribution limits fall into two main categories: limits on the amount of a contribution, and restrictions on giving by certain groups, such as corporations or unions. Although widely advocated, these approaches have been thwarted by the decentralized nature of American politics. Contributors may give the maximum allowable amount to

each of many committees supporting the same candidate, or may have other members of their family give the legal limit. The Federal Election Campaign Act of 1971 set limits that candidates or their families can contribute to Senate ($35,000) or House ($25,000) campaigns, but the provision has yet to be tested. No legislature has yet imposed a limit on the cumulative contributions an individual can make; and there are notable examples of individuals who have contributed amounts of $1 million or more in a single campaign.

Restrictions on sources of money have been only slightly more successful. Federal law prohibits contributions from union dues or corporate treasuries. But unions can make healthy donations from "voluntary" dollars collected from members by their political action committees, sometimes through a salary check-off. By the same token, corporate officials can make large individual contributions as surrogates for their firms. Further, unions and firms are allowed to advise members and shareholders about candidates, to register voters, and to get out the vote. Unions devote significant resources to these functions.

Limits on spending: A common method of regulating political finance is to impose limits on how much candidates can spend, and for what purposes. The 1971 act limits the amount Senate and House candidates can spend for advertising time in communications media to 10 cents per eligible voter, or $50,000, whichever is greater. The limits are calculated annually for each geographical area of each election by the Bureau of the Census. Communications media include radio and television broadcasting stations, newspapers, magazines, billboards, and automatic phone equipment. Of the total spending limit, up to 60 percent can be used for broadcast advertising time.

Despite frequent application, campaign spending limits have serious shortcomings. Most spending limits are too low to be taken seriously. A 1973 Senate-passed bill (S. 372), for example, put the limit for House campaigns at $90,000—nearly twice the amount specified in the 1971 act. Some Representatives claim that even this proposed figure is too low, especially for challengers trying to unseat an incumbent. However, others argue that it is wrong for candidates to spend more than their annual salary ($42,500) in campaigning. In any event, limits usually apply only to general elections, not to primaries; and while curbing candidates and their committees, they do not touch expenditures by party committees, citizen groups, or unions.

Media access: Much of the high cost of campaigning is traceable to the escalating costs of buying radio and television time. But broadcast frequencies are considered to be in the public domain, with stations licensed to use them by the Federal Communications Commission. To maintain their licenses, stations are expected to include "public service" programs along with their usual fare. Therefore, reformers argue, stations should be required to provide air time for candidates. Communications officials claim that this rule limits the free time they allot to candidates, because if they allocated large blocs of time to major-party candidates, they fear a flood of requests from independent candidates seeking exposure. Regardless of the potential losses of revenue, many observers believe that it is the broadcasters' duty to provide air time to candidates, free of charge or at nominal rates.

The 1971 act does not go very far in resolving this problem. It requires radio and television stations to sell advertising time to candidates at the lowest rate in effect for the time and space used. The requirement is in effect during the 45 days preceding a primary election and the 60 days preceding a general election. Similar requirements are placed on non-broadcast media. These provisions were designed to prevent broadcasters from charging rates higher than those charged long-standing commercial advertisers. But the law does nothing to assure adequate low-cost media exposure for candidates.

Public financing: Legislation providing for public rather than private financing of elections has been introduced, and pressure for such legislation has grown after the exposure of abuses in the collection and spending of money in the 1972 presidential campaign. According to a Gallup Poll taken in September, 1973, 65 percent of those surveyed favored public financing and a ban on private contribution, a significant increase over previous years.

A number of approaches to public financing have been proposed. A tax check-off system, featured in the 1971 act, went into effect in 1972; $3.9 million was raised by this method during 1972 for the 1976 presidential campaign fund. Numerous proposals, including a 1973 Senate-passed bill (S. 3044), would extend public financing to primaries and congressional races.

Movement toward a publicly supported campaign system is seen as a way of removing the corrupting influences of vast sums of money in campaigns. It is also argued that public financing would help equalize access to public office for all candidates, while minimizing the advantage enjoyed by incumbents or wealthy contenders.

Critics of public financing question such claims. Special interests, they say, will inevitably find ways of influencing elections. Moreover, they argue, it is wrong to tax people to pay for the campaigns of candidates they disagree with; and it might be a violation of the Constitution to prevent people from giving money to candidates of their choice. It is even contended that public financing could give further advantage to incumbents, whose major resources—such as staff and mailing privileges—would be untouched. Since extraordinarily large sums of money are often

needed to unseat incumbents, in fact, public financing might hamper such efforts. In recent years, many candidates have been able to attract large numbers of small contributions, an indication that people will give voluntarily to candidates in whom they believe. A final argument against public financing is that it might further weaken the political parties, because candidates would be funded directly from public funds.

Underlying the debate over public financing is a conflict between political forces: those who rely on money to exert influence, and those who rely on other resources. "Don't kid yourself that you back public financing to prevent Watergates and corruption," declared one advocate of public funding. "You do it to change the system." Thus businessmen, who contribute heavily to campaigns, tend to oppose public financing; citizens' groups, which rely on volunteer labor, tend to favor it. Already, public financing has gained a foothold at the presidential level; in the coming years a major issue in American politics will be whether to extend it to congressional and primary campaigns.

A key test of an electoral process is the level of competition it generates. Vigorous competition for votes is probably the most reliable guarantee of the continued accountability of public officials. Judged by this standard, the congressional selection process leaves much to be desired.

Seats in the House of Representatives are among the least competitive offices in American politics.[8] "Safe" elections (in which the winning candidate receives 55 percent or more of the vote) generally account for 80 to 85 percent of all House seats in a given election year. From 55 to 60 percent of all Senate seats are safe, by the same measurement. In roughly one out of every ten House races, candidates (usually incumbents) run without any opposition at all.

The picture is a bit different in the Senate. Because of their variety of interests, statewide constituencies tend to be more competitive than the smaller House districts; therefore elections are closer and incumbents are more often defeated.[9] In 1972, for example, 6 (or 23 percent) of the 26 incumbents up for reelection were defeated either in the primaries or the general elections. Four other Senators retired, bringing the total turnover to one-third of those seeking reelection.

With unequal odds in elections, today's legislators have been able to become careerists. Incumbents are reelected in overwhelming numbers: typically 90 percent or more of the incumbent Representatives on the ballot are returned to office. With such low turnover, the average tenure of members has soared to 5.9 terms, or almost 12 years in the House, and in the Senate to slightly more than two terms, or 13.25 years.

Careerism has tended to insulate Congress from fast-moving developments in our society. The average age of members, which ranges in the mid-50's, is a generation older than the national median and a decade older than the median for voters. Moreover, the typical "freshman" Senator or Representative, in his mid-40's, may have to wait for years before ascending to a leadership post. The career system has contributed to making Congress sluggish and slow to change its ways. Defects in the electoral process, in short, must be judged partly responsible for the present policy-making defects of our national legislature.

[8] Joseph A. Schlesinger, *Ambition and Politics* (Chicago: Rand McNally, 1966).

[9] Barbara Hinckley, "Incumbency and the Presidential Vote in Senate Elections: Defining Parameters of Subpresidential Voting," *American Political Science Review*, 64 (September, 1970), 836–842.

CHOOSING THE PRESIDENTIAL CANDIDATES

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Whether these modifications will reduce the tensions among Democrats remains to be seen. Rules take on substantial meaning only when interpreted; that was the lesson of 1972.

Intensely ideological politics, the revolution in the mass media, the proliferation of party primaries, the increasing sophistication of polling, the accelerating costs of campaigning—these and other factors have considerably altered the presidential nominating process in recent years. The essential forms are still with us, yet the ways they have been utilized are different. There are now 27 states with presidential primaries. It may be that in 1976 each party will have a candidate who is so popular that these primaries will go unnoticed. Or it may be that the primaries will be such neutralizing battlegrounds that an embattled convention will once again find itself struggling with several dramatic ballots. Every proposal for changing the process must be tested by the lessons of history; the changes which have already taken place may develop forms that would never be recognized by their supporters.

INTEREST GROUPS IN THE POLITICAL PROCESS

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for renewal are provided with experts who offer alternatives to those designed by planning agencies and contractors, is, in some ways, analagous.

Until the public gains the organization and the resources to compete on a more equal footing with private interests in the political arena, public concern about the influence of interest groups will be periodic, vehement, and temporary. Even with reform of campaign financing, the influence of private interest groups will remain largely undisturbed.

CAMPAIGN FINANCING

(Continued from page 74)

rich and poor alike. Another way to equalize the imbalance without abridging individual rights (through arbitrary spending and contribution limits) would be to require an even stricter accounting of funds prior to the primary election day.

Yet another vital center, and perhaps the one best suited to minimize the influence of the rich and the powerful, is that body of law which encourages small, broad-based contributions. The provisions of the Revenue Act of 1971, which allow up to $100 in campaign contributions to be deducted from a joint tax return, appear to be the best means to achieve this goal. Although there are critics who argue that democracy should not be tax deductible, such a scheme has been used successfully in the past to finance many worthy causes. This provision of the law could be improved, however, by periodically increasing the limit to cover the full cost.

The federal government should also institute a Matching Fund Plan in which every dollar raised from small, broad-based solicitations such as the tax-deduction device would be matched by an additional dollar. Bonus money could also be offered in addition where expenditures are channeled toward activities that promote vigorous debate and discussion. Such a plan would further reduce both the inequities between the wealthy and the not-so-wealthy, and the power and influence of Fat Cat contributors.

The most vital element of all, of course, is American society itself. Nothing in the realm of campaign financing will change substantially unless we change some of our habits and attitudes. Adherence to our campaign financing laws will never improve until we change our attitude toward the enforcement of all our laws.

Any attempt to curb the power and privileges of special interests in politics will occur only when we curb such interests throughout society. Until monopolies, polluting industries, price-fixers, closed-shop unions, lobbyists, elitist professions, and the like are brought to heel, it is unreasonable to expect them to be brought under control in our political process.

Likewise, we should require our regulatory agencies to adhere to the spirit of their original charters—to protect the public and its interests rather than those organizations it is supposed to regulate.

The press could help matters by both continuing the zeal with which it examines political finance and apply it with equal vigor to all our social and political institutions. One of the reasons American political practices have not become more corrupted stems from the press's endless investigative work over the years to root out corruption. An across-the-board investigative effort throughout our society would tend to have a similarly cleansing effect, and would undoubtedly lead to a time in which the general public was not only fully informed but fully receptive to the changes that would have to be made.

The ultimate salvation of our campaign financing practices—indeed our entire society and political system as well—rests with the individual voter and his willingness (a) to inform himself and (b) to act: if he has access to the facts through disclosure, if he is exposed to the widest possible competition of ideas through a series of open debates and discussions, if he is given an opportunity to play a significant part in the political process as either a candidate or a contributor, and if the government underwrites these efforts with laws and regulations designed to expand the democratic process, then he will have the tools to do both.

As a result, our society and political system in general, and our campaign financing practices in particular, would be much healthier and in far better hands.

CHANGES IN THE VICE PRESIDENCY

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idential nominee selection process.

When no one was especially concerned with the vice presidency, scant attention was paid to nominees for the office. Our political history is full of vice presidential nominees chosen to placate factions of a party, regions of the country, or ruffled personalities otherwise unhappy with other convention decisions.

There is nothing wrong, of course, in choosing a vice presidential nominee who could help to unite the party. Frequently in our political history, however, more attention was given to the political needs of the party than to the selection of a candidate of presidential timber. In the last 30 years, because of the deaths and illnesses of Presidents in a period of general international instability, more and more attention has been focused on the office of the Vice President.

Unfortunately, the haphazard procedures for selecting vice presidential nominees remain. It is true that presidential nominees and presidential nominating conventions have been successful in choosing able and qualified vice presidential nominees since 1940. But this can be credited largely to fortunate circumstances: most presidential nominees have had time in the preconvention period to consider the choice of a running mate and to solicit advice from different wings of their parties.

When presidential nominations are decided at the convention itself (as has been true of both parties in recent years) less time is devoted to consideration of a running mate. It is instructive that the two most re-

cent national conventions featuring close contests for the presidential nomination—the Republican convention of 1968 and the Democratic convention of 1972—made vice presidential choices that later proved unsatisfactory.

Selection of vice presidential nominees is not presently a matter that is controlled or guided by federal law, and may never be. Thus, the major parties must institute reforms in the selection of vice presidential nominees that will contribute to the serious consideration of the nomination that the office deserves. Both parties are moving in that direction. I can speak most definitely about what the Democratic party has done in this area, because I served as chairman of the Democratic party's Commission on Vice Presidential Selection, whose report to the Democratic national convention has now been prepared.

It is my hope and expectation that the report will be approved by the 1976 Democratic national convention. First, the commission recommended that the length of the Democratic national convention be extended by one day to permit an interval of 48 hours between the selection of the party's presidential and vice presidential candidates. In the past, at some conventions, the presidential nominee has been selected in the early hours of the morning and a vice presidential nominee has been chosen later that same day. But the usual practice has been for the vice presidential nomination to be made the day after the presidential nomination.

A second recommendation made by the commission would allow the presidential candidate to ask the convention for additional time if it agreed that one extra day did not allow enough deliberation on the choice for a running mate. If that additional time were granted, a special meeting of the Democratic National Committee would be held between 14 and 21 days after the convention to select the party's vice presidental candidate.

In addition to these procedural changes, the commission also called attention to the obligation of a presidential nominee to consult and investigate carefully with respect to his preference for a vice presidential running mate. Noted, too, was the option of the presidential nominee to recommend more than one individual for the vice presidential nomination. Furthermore, anyone, even without the presidential nominee's recommendation, might seek the vice presidential nomination, if at least 10 percent of all delegates (and those delegates were from at least three states) indicated their support of his candidacy.

The Republicans, too, have moved to reconsider their method of selecting vice presidential nominees. Although details are yet to be decided, press reports indicate strong sentiment in the party for delaying somewhat the selection of a vice presidential nominee once the presidential nominee is selected. A draft proposal from the Republican reform commission will be prepared this summer.

There have been many proposals to change the method of selecting vice presidential nominees. These include such radical departures from present practices as requiring presidential candidates to indicate their choices for running mates before state conventions and presidential preference primaries, or requiring that the vice presidential nomination be awarded to the runner-up in the presidential nomination balloting. Other proposals seek similarly to narrow the options open to the party and the presidential nominee.

It is my belief that the present method—allowing the presidential nominee and the delegates to the national convention to agree on a choice that need not be made official until mid-convention—best serves the needs of our political system. After all, both the party and the presidential nominee want to win the election. They want to face the electorate with issues and candidates they can proudly support. Any arbitrary system that forced a vice presidential nominee on a reluctant presidential nominee would not serve the interest of the party or the nation.

Today, both parties are focusing on the real problem in vice presidential selection—how to give the presidential candidate and his advisers time to make a wise choice. There is no way to take politics out of the business of choosing candidates for public office. No guarantees can prevent a presidential candidate and a party convention from choosing a vice presidential candidate for purely political reasons or prevent what may later prove to be a bad choice.

We must rely on the individuals involved in the process—just as we rely on the good judgment of public officials to enact good laws and carry them out with good sense. Our system of government provides the best check yet devised against poor government. That check is the ballot box or, in the case of political party conventions, the vote of the delegates.

BOOK REVIEWS

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expand their power. Because the claim of executive privilege endangers democratic principles, it is important to recognize it for what it is—"a shield for executive unaccountability." Berger's analysis of the myth of executive privilege is a scholarly and significant contribution to the subject. O.E.S.

JOHN MARSHALL. A LIFE IN THE LAW. By Leonard Baker. (New York: Macmillan, 1974. 770 pages, notes, bibliography and index, $17.95.)

This well-written, scholarly biography of our fourth and perhaps most influential Chief Justice is a dramatic and fascinating account of Marshall's struggle to establish a nation under law. O.E.S.

THE MONTH IN REVIEW

A Current History *chronology covering the most important events of June, 1974, to provide a day-by-day summary of world affairs.*

INTERNATIONAL

European Economic Community

June 10—Despite U.S. objections, the 9 foreign ministers of the Common Market nations decide to offer broad technical, economic, and cultural cooperation to 20 Arab countries.

International Monetary Crisis

June 12—The "Committee of 20" nations confers in Washington, D.C., on world monetary reform. An announcement is made of yesterday's decision by the "Group of 10" (leading financial countries); the 10 agreed "in principle" to permit a nation's gold to be used as collateral for international loans.

June 13—The 20 nations agree on an 8-point package of "interim" arrangements to provide financial stability and help the less developed countries.

Islamic Conference

June 26—The Fifth Islamic Conference censures the Philippine government for its treatment of its Muslim minority.

Middle East

(See also *U.S., Foreign Policy*)

June 1—Israel and Syria exchange prisoners of war, in the 2d step of the military disengagement agreement signed yesterday.

June 2—The Arab oil-producing countries decide to maintain the embargo on oil sales to the Netherlands.

June 6—382 Arab prisoners of war, mostly Syrians, are exchanged for 56 Israeli prisoners, as provided in the disengagement agreement.

June 7—Israeli troops begin a 19-day phased evacuation of Syrian territory occupied during the October, 1973, war.

June 8—The Palestine National Council votes to allow its leaders to participate in the Geneva talks on the Middle East if the conference recognizes as an issue the national rights of the Palestinian people. The council is the parliament of the PLO.

June 13—In Egypt on the first leg of his Middle East trip, U.S. President Richard M. Nixon announces that President Anwar Sadat will visit the U.S. later this year. In a joint effort to promote Middle East talks, the 2 leaders propose a series of "bilateral discussions" permitting the Arab countries, the U.S., and the Soviet Union to confer on a "nation-by-nation" basis before the next round of talks.

4 Arab guerrillas attack Shamir, an Israeli kibbutz near the Lebanon border, and murder 3 women; they are killed by Israelis during a gun fight. In a statement issued in Beirut, Lebanon, the Popular Front for the Liberation of Palestine-General Command declares that the attack was "our reaction to President Nixon's visit to the Arab world."

June 14—President Nixon and President Sadat sign a declaration of friendship and cooperation; the U.S. promises to provide Egypt with nuclear technology for peaceful purposes. President Nixon flies to Saudi Arabia and is welcomed by Saudi King Faisal.

June 15—President Nixon arrives in Damascus.

June 16—President Nixon and Syrian President Hafez al-Assad announce that the U.S. and Syria will restore diplomatic relations, ruptured in 1967. President Nixon flies to Israel, and is welcomed by Israeli President Ephraim Katzir.

June 17—A communiqué is issued at the end of President Nixon's visit to Israel: the 2 nations will soon work out an agreement to cooperate in the areas of "nuclear energy, technology and the supply of [nuclear] fuel from the United States under agreed safeguards." The President leaves for Jordan, where he is welcomed by Jordan's King Hussein.

June 18—President Nixon leaves Jordan for home. It is announced that the U.S. and Jordan will create a joint commission to review regularly the areas in which they are cooperating.

June 20—For the 3d day, Israeli planes attack Palestinian refugee camps in southern Lebanon. Casualties are estimated at 70 dead and 70 wounded.

June 21—American officials in Washington, D.C., report that the U.S., Israel, and the Arab states have agreed to postpone Arab-Israeli negotiations until the late fall, in order to overcome the differences over Palestinian participation. Israel has stated that she will not negotiate with the Palestinians; the Arab states recognize the PLO as the representative of the Palestinian people and want the PLO to participate in the Geneva talks.

June 24—Lebanese Premier Takieddin Solh reveals that Lebanon has asked the Arab states to help her strengthen her air defenses against Israel.

The Middle East News Agency reports that Suda-

nese President Gaafar al-Nimeiry has handed over to the Palestinian Liberation Organization the 8 guerrillas who killed 2 American diplomats and 1 Belgian in March, 1973. The guerrillas were sentenced to life imprisonment by a Sudanese court earlier today.

June 25—The moderate Palestinian resistance organization Al Fatah claims responsibility for the guerrilla attack on the Israeli town of Nahariya yesterday. 3 Israeli civilians and 1 soldier were killed; the 3 guerrillas were killed by Israeli soldiers.

North Atlantic Treaty Organization

June 19—Meeting in Ottawa, the Council of Foreign Ministers formally approves a declaration of principles to govern relations for the next 25 years.

June 26—In Brussels, the declaration is signed by President Nixon and the other heads of governments belonging to NATO.

Organization of African Unity

June 12—At a summit meeting of heads of state of the OAU in Mogadishu, Somalia, the Somali President, Major General Mohammed Siad Barre, tells 25 black and Arab African states that a multinational African army is needed to meet an inevitable conflict with South Africa.

Organization of Petroleum Exporting Countries

June 17—At a ministerial meeting, OPEC decides to maintain the posted price of oil for 3 months more beginning July 1, and to impose a 2 percent increase in royalties levied on exports by Western oil companies. Saudi Arabia declares that she will not increase her royalty at this time.

War in Indochina

June 4—The deadline arrives for the withdrawal of foreign troops from Laos, as provided by the cease-fire agreement of February 21, 1973. Laotian Defense Minister Sisouk na Champassak declares that North Vietnamese soldiers have gone into hiding in Laos.

June 8—The Vietcong's Provisional Revolutionary Government announces that it will participate in the 2-party Joint Military Commission, and in discussions of the 4-party joint military teams. Yesterday, South Vietnam restored diplomatic "privileges and immunities," cut off on April 16, to the Vietcong delegation.

June 22—Alleging acts of sabotage by the U.S. and Saigon, the Vietcong and the North Vietnamese again suspend participation in the cease-fire commissions in Saigon.

ARGENTINA

June 12—In a television and radio address, President Juan D. Perón threatens to resign if he does not receive public support for his economic and political programs. He withdraws his threat after his supporters stage a large rally in the capital. His 8 Cabinet ministers resign.

June 13—President Perón rejects the resignations of his Cabinet ministers.

June 29—Because of illness, Perón transfers full power to govern to his wife, Vice President Maria Estela Martinez Perón.

AUSTRIA

June 23—Foreign Minister Rudolf Kirschläger is elected President to succeed the late Franz Jonas.

BANGLADESH

(See *Pakistan*)

BELGIUM

June 10—The Walloon Rally, a French language federalist party, joins the coalition government led by Premier Leo Tindemans, who took office April 25. This action gives the government a 9-seat majority in the 212-member lower house of Parliament.

BHUTAN

June 2—King Jigme Singhi Wangchuk is crowned.

CAMBODIA

June 4—Government troops storm a high school where the Minister of Education and his top assistant are held hostage by student protesters. The 2 officials are killed. A curfew is imposed on Phnom Penh by Premier Long Boret's Cabinet.

June 11—Premier Long Boret says that he has been asked by President Lon Nol to remain in office despite the resignations of 6 Cabinet ministers.

CANADA

June 26—Cabinet minister Otto E. Lang announces the sale of 74.6 million bushels of wheat to China.

CHILE

June 26—General Augusto Pinochet Ugarte, leader of the 4-man ruling junta, becomes Chief of State.

CHINA, PEOPLE'S REPUBLIC OF

(See also *U.S., Economy*)

June 17—The U.S. Atomic Energy Commission announces that China staged a nuclear test today.

EGYPT

(See also *Intl, Middle East*)

June 27—President Sadat flies to Rumania to confer

for 4 days with Rumanian President Nicolae Ceausescu.

ETHIOPIA

June 30—The armed forces explain officially that they have seized former officials to prevent the overthrow of Premier Endalkachew Makonnen's 4-month-old government.

FINLAND

June 21—Finland notifies the Council of Permanent Representatives of the General Agreement on Tariffs and Trade that she has signed free trade agreements with Bulgaria and Hungary.

FRANCE

(See also *West Germany*)

June 8—The French government announces that a new series of atmospheric nuclear tests will be held in the South Pacific.

June 12—The French government announces an austerity program to check inflation and improve the balance of payments; higher taxes and lower energy consumption are planned. The austerity program goes to Parliament for approval.

June 17—Prime Minister Gough Whitlam of Australia states that his government believes that France exploded a nuclear device this morning.

June 27—At the conclusion of a state visit by the Shah of Iran and his Empress, France and Iran sign a 10-year, $4-billion development agreement that includes provision for the French sale of 51,000-megawatt nuclear reactors to Iran.

June 28—Voting almost unanimously, the Assembly approves a plan for general distribution of contraceptives; the costs will be paid by the social security system.

GERMANY, FEDERAL REPUBLIC OF (West)

June 1—In Paris, West German Chancellor Helmut Schmidt and French President Valéry Giscard d'Estaing confer on monetary and economic policies.

INDIA

(See also *Sikkim; Sri Lanka*)

June 14—At a meeting in Paris, a consortium of 13 industrialized Western nations under the auspices of the World Bank agrees to give $1.4 billion to India to alleviate India's critical economic situation.

IRAN

(See *France; U.S., Foreign Policy*)

ISRAEL

(See also *Intl, Middle East; U.S., Foreign Policy*)

June 3—The Knesset approves a new 3-party coalition composed of the Labor alignment, the Independent Liberals, and the Civil Rights Movement, led by Premier Itzhak Rabin. Rabin's 18-man Cabinet is installed.

In his first major policy address, Rabin says his government is willing to open peace talks with the Arab nations, but not with the Palestinian guerrillas.

ITALY

June 10—Premier Mariano Rumor and his coalition Cabinet resign following an impasse over the continuation of credit restrictions.

June 13—President Giovanni Leone rejects the resignation of Rumor's Cabinet, when the search for a successor proves fruitless.

June 28—The Chamber of Deputies votes confidence in Rumor, 326 to 225; in effect the vote approves Rumor's plan to raise $5 billion in new taxes in the next 12 months.

JORDAN

(See *Intl, Middle East*)

LAOS

(See *Intl, War in Indochina*)

LUXEMBOURG

June 17—Gaston Thorn becomes Premier and remains foreign minister in a new coalition Cabinet.

NETHERLANDS

(See *Intl, Middle East*)

PAKISTAN

June 28—In Bangladesh on a mission of friendship, Prime Minister Zulfikar Ali Bhutto apologizes publicly for the "unspeakable crimes" of the Pakistani army in Bangladesh before Bangladesh independence.

PHILIPPINES, THE

(See also *Intl, Islamic Conference*)

June 12—In an Independence Day address, President Ferdinand E. Marcos announces full amnesty for Muslim rebels in the southern Philippines who lay down their arms.

June 28—Marcos signs the broad amnesty decree.

PORTUGAL

(See also *U.S., Foreign Policy*)

June 1—Foreign Minister Mario Soares announces that Portugal and Rumania will restore diplomatic relations, broken off more than 25 years ago.

June 9—In a joint announcement issued by the Portu-

guese foreign minister, the U.S.S.R. and Portugal declare that they will establish diplomatic ties, broken off since the Russian Revolution of 1917.

June 22—The government publishes strict restrictions on all news media; 7 military officers will administer the new regulations.

Portuguese Territories

MOZAMBIQUE

June 4—Portuguese Foreign Minister Mario Soares flies to Zambia for talks on a cease-fire in Mozambique with leaders of Frelimo, the Mozambique Liberation Front. The trip is made at the request of Frelimo president Samora Machel.

June 6—The talks on a cease-fire in Mozambique are adjourned; the 2 sides agree in "principle" to reopen the talks next month.

RUMANIA

(See *Egypt; Portugal*)

SAUDI ARABIA

(See also *Intl, Middle East, OPEC; U.S., Foreign Policy*)

June 6—Prince Fahd Ibn Abdel Aziz, a Deputy Premier and half-brother of King Faisal, is welcomed to the U.S. by President Richard Nixon and Secretary of State Henry Kissinger.

June 10—It is announced that Saudi Arabia and the Arabian American Oil Company have reached an agreement whereby Saudi Arabia will assume 60 percent of the ownership of Aramco, a 35-percent increase.

SIKKIM

June 20—The Assembly approves a new constitution providing for closer association with India and giving Sikkim's ruler a merely titular role.

SRI LANKA (Ceylon)

June 29—The Foreign Ministry announces that a border agreement has been reached with India.

SUDAN

(See *Intl, Middle East; U.S., Foreign Policy*)

SYRIA

(See *Intl, Middle East*)

THAILAND

June 1—King Phumiphol Aduldet swears in the new all-civilian Cabinet led by Premier Sanya Dharmasakti.

U.S.S.R.

(See also *Portugal; U.S., Foreign Policy*)

June 14—Secretary General Leonid I. Brezhnev announces that the Soviet Union is ready to reach an agreement with the U.S. "on the limitation of underground nuclear tests, up to their full termination according to an agreed timetable." He calls for an agreement to stop the development "of ever-new systems of strategic weapons."

June 25—The Soviet press agency Tass announces that an orbital research station has been launched by the U.S.S.R.

UNITED KINGDOM

Great Britain

June 17—A bomb explodes in Parliament and damages Westminster Hall. Police say that the Provisional wing of the Irish Republican Army is responsible.

June 21—The government reports that retail prices rose 1.4 percent in May. Hundreds of thousands of workers are striking for wage increases.

June 24—Prime Minister Harold Wilson reveals that Britain's 1st nuclear test in 9 years was conducted in Nevada "a few weeks ago."

UNITED STATES

Administration

June 13—The administration releases $500 million in impounded funds for public transportation and highways.

Civil Rights

June 18—In explanation of Title 9 of the Education Act Amendments of 1972, the Department of Health, Education and Welfare promulgates official regulations to ban sex discrimination in almost all U.S. educational institutions, public and private. HEW will consider objections to the regulations (which must be filed by October 15); its final regulations will take effect 30 days after the President signs them.

June 21—HEW approves desegregation plans for state-controlled colleges and universities in 8 states; a cutoff of federal funds is averted.

U.S. District Judge W. Arthur Garrity, Jr., rules that Boston's schools are racially segregated and orders the city to eliminate racial segregation in the schools "forthwith."

Economy

June 3—The Commerce Department announces that in the first third of 1974 trade between the U.S. and China exceeded Soviet-American trade; it is expected to reach $1.25 billion by the end of 1974.

June 7—The First National City Bank, the nation's 2d largest bank, cuts its prime lending rate to 11¼ percent from 11½ percent.

June 21—The First National City Bank and the Morgan Guaranty Trust increase the prime lending rate to 11½ percent.

The Federal Power Commission authorizes a rise in the ceiling price for natural gas sold in interstate commerce.

June 24—The First National Bank of Chicago raises its corporate base lending rate (equivalent to the prime rate) to a record 11.8 percent.

June 26—The U.S. Steel Corporation announces a July 1 price rise averaging "about 5.5% on total steel-mill production."

The Chase Manhattan Bank, 3d largest in the nation, raises its prime lending rate to 11¾ percent.

Foreign Policy

(See also *Intl, Middle East; Saudi Arabia; U.S.S.R.*)

June 8—Kissinger and Prince Fahd Ibn Abdel Aziz, 2d Deputy Premier of Saudi Arabia, sign a military and economic agreement.

June 19—President Nixon returns from his 9-day trip, after a stop in the Azores to confer with Portuguese President António de Spínola.

June 22—State Department officials reveal that the U.S. promised Israel yesterday that it does not plan to sell arms to Egypt or Syria.

June 23—"High administration officials" declare that Secretary of State Kissinger made no secret deal with Soviet officials about the missile-limitation agreement of 1972.

June 25—President Nixon arrives in Brussels to talk to NATO members before leaving for Moscow.

June 27—Arriving in Moscow, President Nixon confers with Brezhnev in their 3d summit meeting.

June 28—State Department spokesman Robert Anderson says the State Department has been informed that the 8 convicted murderers of 2 American diplomats and a Belgian are in prison in Egypt. The department had protested the Sudanese decision to turn the 8 men over to the Palestine Liberation Organization.

June 29—President Nixon and Brezhnev sign a 10-year economic agreement.

June 30—The U.S. and Iran sign a 10-year agreement; the U.S. will supply uranium fuel for Iranian nuclear power plants.

Legislation

(See also *U.S., Administration*)

June 5—Voting 209 to 175, the House votes against continuing the Sugar Act. Its action frees the sugar market for the first time in 40 years from government subsidies, import quotas and complicated pricing formulas.

June 12—The Senate approves, by voice vote, the Energy Supply and Environmental Coordination Act of 1974, to further the use of coal instead of oil or gas in steam-powered electric plants. Approved earlier by the House, the bill goes to the President.

June 21—The Senate approves and sends the President a bill giving Congress new controls on the federal budget. Under its terms, budget committees would be established in both Houses; a budget office would be set up; the fiscal year would be moved back from July 1 to October 1, starting in 1976. Either House would be able to veto the President's impoundment of funds by a simple resolution; the President would have to obtain congressional consent to cancel a program established by Congress.

Political Scandal

(See also *U.S., Supreme Court*)

June 3—Charles W. Colson, former White House counsel, pleads guilty to a felony count of obstruction of justice with regard to trying to influence the trial of Daniel Ellsberg in 1971.

June 7—In U.S. District Court in Washington, D.C., former Attorney General Richard G. Kleindienst is given a suspended sentence and a suspended $100 fine for failing to answer accurately questions posed by the Senate Judiciary Committee in March and April, 1972, during the committee's investigation of an antitrust case against the International Telephone and Telegraph Corporation. He pleaded guilty on May 16, 1974, to a misdemeanor charge. Kleindienst has agreed to cooperate with federal investigators.

At the request of the President, Federal District Court Judge John J. Sirica rules to suspend his protective order keeping secret the naming in court papers of President Nixon as an unindicted co-conspirator in the Watergate cover-up.

In U.S. District Court in Washington, D.C., Judge Gerhard A. Gesell declares that President Nixon's refusal to yield White House documents in the case concerning the burglary of the office of Ellsberg's former psychiatrist is "offensive" and "borders on obstruction."

June 10—In a letter to Peter W. Rodino (D., N.J.), chairman of the House Judiciary Committee, President Nixon refuses to provide any additional material subpoenaed by the committee for its impeachment inquiry; the President formally rejects the committee's May 15, 1974, subpoenas for tapes of 45 White House conversations relating to Watergate.

In a letter to Judge Gesell, President Nixon maintains that he alone has the right to decide which White House documents can be made available for the defense of former presidential assistant John D. Ehrlichman.

The White House states that it will appeal a June 7 ruling by Judge Sirica, made at the request of Watergate Special Prosecutor Leon Jaworski, to give a grand jury part of a White House tape that

Sirica declares is "relevant" to an investigation of possible abuse of the Internal Revenue Service by the Nixon administration.

June 11—Judge Gesell orders a separate delayed trial for John Ehrlichman, because he finds unacceptable President Nixon's compromise, announced by his lawyers yesterday, to provide summaries of the documents to Judge Gesell in private.

In a news conference in Salzburg, Austria, Kissinger says that he will resign unless he is cleared of charges that he improperly ordered wiretaps (beginning in 1969) on persons suspected of responsibility for national security leaks. Kissinger says that he never ordered wiretaps, but did give the names of those with access to sensitive information to the FBI. He asks the Senate Foreign Relations Committee to review the testimony he gave at his confirmation hearings in September, 1973. The Senate Committee agrees to review its findings.

June 13—The Senate supports a resolution (signed by 52 Senators) describing Kissinger's "integrity and veracity" as "above approach."

June 14—Judge Gesell formally reinstates Ehrlichman as a defendant in the case involving the burglary of Ellsberg's psychiatrist's office (the White House "plumbers" case), and orders the trial to begin June 26. Gesell rejects Ehrlichman's effort to gain full access to his personal White House file covering over 2 years of presidential and other meetings.

June 17—Judge Sirica sentences Herbert W. Kalmbach, President Nixon's former personal lawyer, to 6 to 18 months in prison. Kalmbach is fined $10,000 for engaging in illegal fund raising for President Nixon's 1972 reelection campaign.

June 21—Colson is sentenced to 1 to 3 years in prison and fined $5,000 after his conviction on a felony count of obstruction of justice. He charges that "on numerous occasions" the President urged him "to disseminate damaging information about Daniel Ellsberg. . . ."

The President's lawyers file legal briefs with the Supreme Court. Jaworski also files a written argument. Oral argument before the Court is scheduled for July 8.

June 24—The House Judiciary Committee issues 4 more subpoenas for 49 additional White House tapes; 4 members voice partial dissent.

June 25—After 18 days of closed hearings, the committee votes 22 to 16 to begin to publish most of its 7,800 pages of evidence as soon as possible.

June 30—After 20 months, the Senate Select Committee on Presidential Campaign Activities (the Watergate committee) officially ends its investigation.

Supreme Court

(See also *U.S., Political Scandal*)

June 3—In a 5–3 ruling, the Supreme Court declares that women must receive equal pay for equal work, whether or not men (doing the same job) work different shifts or claim special privileges that predate the 1964 act ordering equal wages for equal work.

June 15—At President Nixon's request, the Supreme Court agrees to consider whether a Watergate grand jury had the right to name him as an unindicted co-conspirator in the Watergate cover-up. In a 2-page order, the Supreme Court tells the White House and the Special Prosecutor to include the question in their arguments about Judge Sirica's May 20, 1974, order to the President to give up 64 White House tape recordings.

The Supreme Court refuses to make public all the Watergate grand jury proceedings, despite requests from the White House and from Jaworski. The Court releases only the grand jury statement naming President Nixon as an unindicted co-conspirator.

June 24—The Court rules unanimously that the motion picture "Carnal Knowledge" is not obscene according to the Court's 1973 ruling on obscenity; a book advertisement about the film is ruled to be obscene.

June 25—Ruling 5 to 4, the Court declares that an ordinary citizen can sue a newspaper, radio, or television station for libel if it circulates a false or defamatory report; the decision reverses a 1971 ruling that protected the media from such libel suits if accounts were not knowingly false or recklessly malicious. Prominent public figures are not similarly able to sue.

Ruling unanimously, the Court declares unconstitutional a Florida law requiring newspapers to reprint replies from political candidates attacked in their columns.

VIETNAM, REPUBLIC OF

(See *Intl, War in Indochina*)

YEMEN, REPUBLIC OF

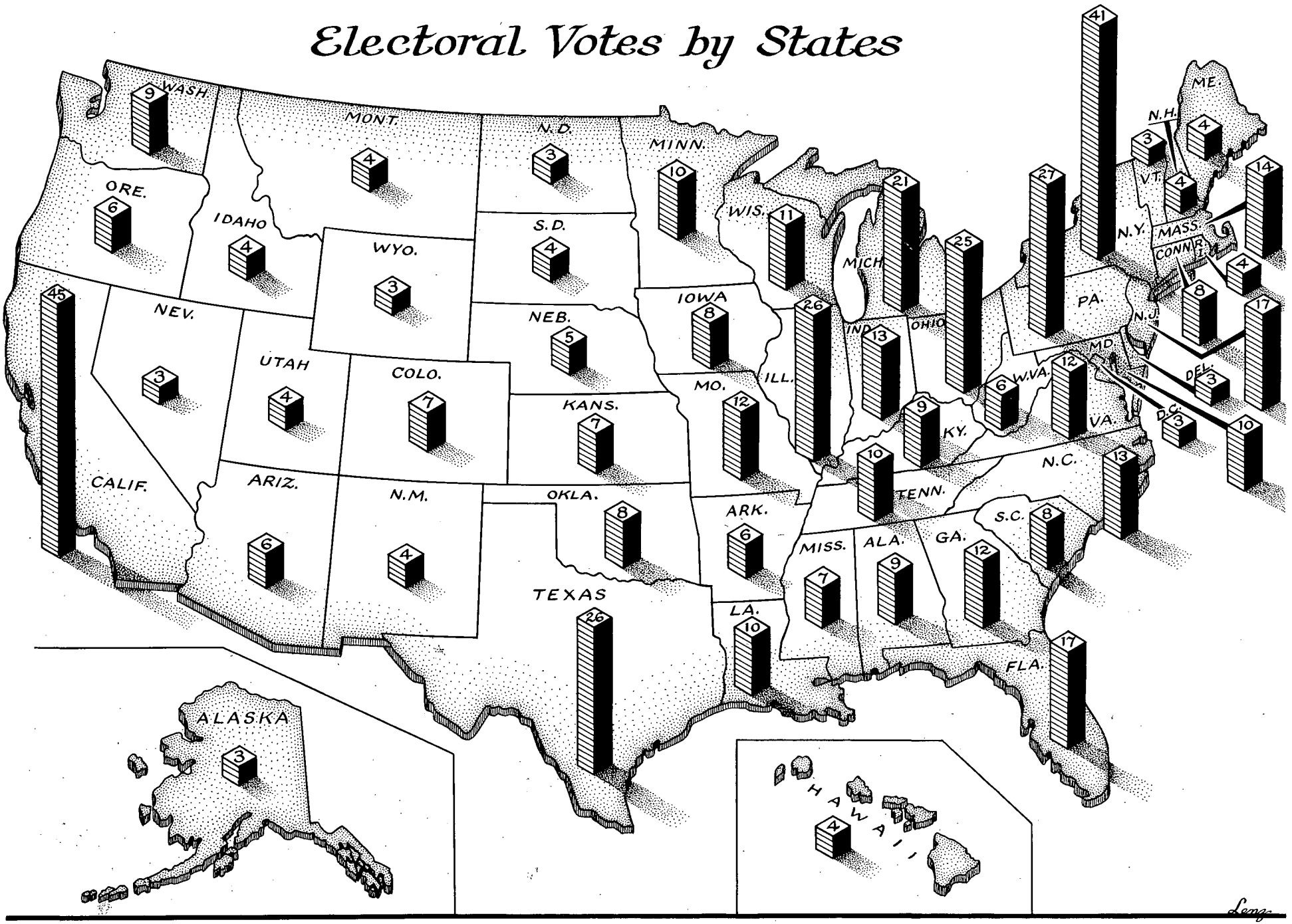
June 13—The Yemeni radio announces that the army has seized power in a bloodless coup.

June 14—The official Egyptian news agency, Middle East News Agency, reports that Colonel Ibrahim al-Hamadi, the leader of the command council set up to rule Yemen, has ordered the constitution suspended and the legislature dissolved. The resignation of President Abdul Rahman al-Iryani and other top leaders led to the crisis that precipitated the coup.

YUGOSLAVIA

June 24—President Tito arrives in Bonn; this is his first official visit to West Germany.

Electoral Votes by States



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